POVERTY, DEVELOPMENT AND HUMAN RIGHTS:
MAKING HUMAN PROGRESS IN BANGLADESH

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INTRODUCTION

1. The broad purpose of the study is to assess the strengths and weaknesses of international anti-poverty strategies from a human rights point of view, and determine a fuller use of human rights; principles and methods will make such program effective in practice. In the Bangladesh study we will explore the concepts of poverty alleviations and rights in the context of both development policies and interventions, assess their relative strengths and weaknesses, convey local perceptions and shed some light on some of the difficulties and challenges faced by these approaches. We will first look at the national context to gain a general picture of the political and economic situation as well as a brief outline of the political history of the country. We will then outline some of the trends and debates in development thinking to which Bangladesh has been subject as well as have contributed to. We will illustrate our country study by selecting a development paradigm in poverty reduction in the field of micro-credit (the dominant development paradigm in the country adopted by both Government and NGOs) and a development policy in the field of health policy (where the rights-based approach is more applicable). We will then look at one district in Northern Bangladesh particularly known to be an impoverished area and look at concrete development interventions of two big NGOs there, Bangladesh Rural Advancement Committee (BRAC) and Rangpur Dinajpur Rural Service (RDRS). There will also be an illustration of how rights and service delivery coexist in the BRAC Advocacy Unit. Finally we will conclude with some comparative insights into how poverty reduction strategies and rights-based approach function in the context of Bangladesh.

THE NATIONAL CONTEXT

The political, administrative and legal environment

2. Bangladesh, officially known as The Peoples Republic of Bangladesh, with a population of 135 million people and a per capita GNP of only $350, is one of the least developed countries in the world. Eighty percent of the population lives in rural areas. Bangladesh is a parliamentary democracy with imperfections in its functioning. The establishment of political parties is free, as is the freedom of press, although there is room for improvement for both the political system as the functioning of the press. The parliament is weak in its democratic functions. The legal system is theoretically independent and relatively speaking only in the higher courts. On the other hand, there is a serious problem of governance, where law and order is being violated persistently. One example is the violation of human rights, in particular those of women, minority groups and political adversaries. The Chamber of Audit has restricted capacities and its reports do not have political clout. The fight against corruption is politicised and has been hardly effective. Political elections take place according to the district-delegated system that implies a geographic relation between delegates in parliament and the constituency. It also implies clientelism.

3. According to a report by a foreign mission in Dhaka (Royal Netherlands Embassy, 2003) "there is serious doubt about the willingness and ability of the Government of Bangladesh to improve the governance situation, in particular on endemic corruption and the human rights situation".

The financial-economic environment

Prospects

4. Despite all this, Bangladesh has made great strides in improving the lives of its people since gaining independence in 1971. Its progress over the past two decades is proof of a great potential that is, however, still far from being realised. Economic performance has been relatively strong in the past decade, with annual GDP growth averaging 5 percent. The country has seen an emergence of progressive entrepreneurs, and good macroeconomic management has kept inflation in the single digits. Recent reform actions in fiscal management, governance, state-owned enterprises, banking, telecommunications, and energy have also shown encouraging results. Increasing foreign direct investment flows have supported infrastructure, energy, and export-oriented manufacturing. Inflows of private foreign direct investment rose to nearly USD 400 million in fiscal year 1997-98 and are expected to average about USD 780 million a year for the next few years. The economy however, is still vulnerable, being based mainly on the garment industry (75% of exports) and remittances from workers abroad (4% of foreign exchange earners). The garment industry is likely to come down as the Multi-Fibre Accord ends in 2005. Overall Foreign Development Investment remains low. Due to economic growth and decline in food-aid the ODA rate as a percentage of GNP has decreased to 2,5%.

5. Health and education levels in Bangladesh have improved remarkably, and poverty has been declining. Reducing population growth and attaining gender parity in school enrolment rates are notable achievements of recent years. In the past decade, Bangladesh has reduced infant mortality by half; a faster rate than any other country, and it has increased adult literacy rates by 8 percent for women and 6 percent for men. Bangladesh has also achieved near self-sufficiency in food production and made good progress in improving disaster management capacity and social safety nets.

Challenges

6. However, although data show that even among the very poor there has been significant income growth and improved nutrition, Bangladesh's poverty rate remains high. With nearly half of its 135 million population living below the poverty line, Bangladesh still has the highest incidence of poverty in South Asia and the third highest number of poor people living in a single country after India and China. The challenges are magnified by a population density of roughly 800 people per square kilometre, one of the highest in the world.

7. Improvement in the nutritional status of women and children has been substantial, but further progress is needed, given that the incidence of malnutrition is still among the highest in the world. Relatively new challenges include arsenic in the country's groundwater, which is toxic with long-term consumption, and HIV/AIDS. Although the country has achieved nearly 100 percent primary school enrolment rates, the dropout rate is 40 percent. Literacy rates for both adult men and women have improved, but given the magnitude of the initial challenge, these are still below the regional average for South Asia.

8. Like other countries in South Asia, Bangladesh is also experiencing ecological degradation from urban and industrial pollution and is vulnerable to natural disasters such as flooding, cyclones, and rising sea levels associated with global climate change. However, several recent steps have been taken to improve the urban environment, including banning old buses and two-stroke three wheelers from Dhaka city.

9. With the growing global focus on the Millennium Development Goals (MDGs) (including halving the proportion of people living on less than one dollar a day and achieving universal primary education by 2015), success in Bangladesh is critical to the achievement of these goals. According to data on current trends, Bangladesh is expected to meet most of the MDG targets. MDG performance is good on a number of indicators, with mixed results on others. Gross enrolment in education has increased from 59% to 96% in 2000, but quality improvement remains necessary. Gender equality in primary education is achieved, but the number of girl-drop outs is still high. Reductions in infant mortality rate from 87% in 1993 to 66 % in 1999. Modest improvement in maternal mortality, progress in reducing malnutrition and diarrhoea. Gender equality is a key constraint in meeting the MDG's. The success in social sectors can be attributed for an important part to involvement of NGO's (Education) and private sector (Health).

Development Actors: GOs and NGOs

10. The National Strategy for Economic Growth, Poverty Reduction and Social Development, which is Bangladesh's Interim Poverty Reduction Strategy Paper (I-PRSP), aims to substantially reduce chronic poverty and invigorate social development. It focuses on five key areas: (i) pro-poor economic growth for increasing income and employment of the poor; (ii) human development of the poor through education, health, nutrition, and social interventions; (iii) women's advancement and closing of gender gaps in development; (iv) social safety nets for the poor; and (v) participatory governance for enhancing the voice of the poor and improving well being in areas such as security and social inclusion and removing institutional hurdles to social mobility. The strategy also sets a medium-term macroeconomic framework and addresses the issues of trade reforms, governance, and sector-specific reforms.

11. On the basis of the IPRSP, the Government of Bangladesh has chalked out a three-year investment plan. The Annual Development Plan (2004-2005) has been developed in the light of this. This is the second year of IPRSP and at the end of the fiscal year this document will be finalised and expected to take replace the National Five Year Development Plan. In the light of

successes internationally recognised and achieved in the field of poverty eradication, women's education and micro-credit, the allocation of development funds for this year has been made accordingly. Special importance has been given to all human development sectors, creation of employment and women's participation in development. The following principles have been enunciated in the Plan.

- Giving importance to the infrastructural development of all human development sectors in order to achieve pro-poor growth.
- To generate self-employment in rural sector, help small and medium scale industries, and assist in all infrastructural support in energy and transportation sectors and protect the environment.
- Projects with a two–three year completion time has been given preference keeping in mind availability of resources
- Those projects, which could be incorporated into the revenue budget, were not accepted by the annual development plan.
- Preference was given to those projects, which had a foreign aid component in it.
- In the projects funded by foreign aid the claim for matching Taka cover gained preference.
- For those projects due to be completed within the current plan year, allocation of funds was ascertained.
- In order to launch new projects of the current year in time, the allocation of local currency was considered essential.
- In the short medium and long term, canal digging activities along with irrigation, water transport and agricultural sector an integrated water development and management project will be undertaken.

12. The agenda for government is large. Among priority measures, stepping up economic growth and reducing the country's susceptibility to economic and environmental shocks will depend in particular on a set of policy reforms that need to be led by government. Empowerment requires inter alia improvements to the criminal justice system and to the police. Access to markets and services calls for improvements in the quality and pro-poor orientation of publicly funded services (whether delivered by the public, private or NGO sectors), for changes to public funding priorities and modalities, and for more effective provision of public goods, including infrastructure and regulation. Improved security demands building on existing initiatives for social protection, and for more effectively safeguarding human rights.

13. Non-governmental organisations (NGOs) in Bangladesh are among the most active in the world, and successive governments have developed effective partnerships with them to improve services, such as micro-credit, non-formal education, and assistance with social mobilisation, in particular to the poorest people.

14. Since the early 1970s, NGOs became part of the institutional framework for approaching rural development, poverty alleviation programs and disaster management in Bangladesh. There has been a steady growth of national NGOs over the last one and a half decades. As of date, there are many as over 14,000 registered NGOs in Bangladesh. About 1078 NGOs are funded by external donors of which, 135 are foreign and 943 are local NGOs.

15. The significance of the NGOs involvement in the overall development programs in Bangladesh could be seen from the pattern of inflow of foreign resources to the sector. The proportion of total foreign aid to Bangladesh disbursed through NGOs was about 1 percent only in 1972-73. During the mid-eighties, on an average about 16 percent of the total aid inflow was mediated

through the NGOs. By the end of Fiscal Year 1986-87, has further increased to above 19 percent.

16. Scope of NGO operations can also be traced by the extent of programme coverage of the NGOs. At present, the programme coverage of the NGOs has been geographically extended to 374 thanas (the lowest administrative tier in Bangladesh). In other words about 80 percent of the thanas has been brought under NGO programmes.

17. The Government of Bangladesh has time and again categorically emphasised the need and importance of involving the NGOs as partners of development especially at the local level. Nevertheless there seems to be a noticeable ambiguity in the policies of the GOB on the role and scope of the involvement of NGOs in Bangladesh. Different GOB Plan documents have vaguely indicated the possible involvement of NGOs in Bangladesh but could not identify any specific package of intervention strategy. As a result, NGOs are getting involved in a wide variety of projects. In the absence of an integrated plan, NGOs are working almost independently of any Government interference. Currently some rigorous measures are being taken by the Government to control NGO activities through processing funds and conducting inspection. NGOs both national and international have their own perspective plans drawn in line with the donor priority. Only a very few large NGOs, however take input from the Government long-term perspective plans.

18. A review of the overall development management scenario and NGO operations in Bangladesh indicates the following general trends.

   - The Government, in principle has accepted NGOs as partners of development management. Some experimental collaborative programmes between Government and selected large NGOs have been designed.
   - The Government has authorised some NGOs as contractors for the delivery of selected social services for example education and health.
   - Donors are increasingly putting pressure on Governments to make use of the services of the NGOs. Donors argue that GOB's institution building should be from outside and below through the NGOs and their demonstration effect.

19. Civil society (here broadly defined to include NGOs, CBOs, the media, independent research centres, professional associations and the Bangladeshi Diaspora) will play two decisive roles in Bangladesh's development: as advocates of reform; and as service providers. The latter is a pragmatic question, based on who can deliver services most cost-effectively. NGOs and some community-based organisations have shown that they have or have had a comparative advantage in Bangladesh in delivering a range of services, especially in rural areas. Certainly the response of several external agencies, based on years of involvement, has been a progressive shift of funding for service delivery from government towards NGOs. In certain other areas, however, including micro-finance and some agricultural services, a further shift may be taking place from NGOs towards private for-profit providers. In part this is because the private sector is growing, and is increasingly capable of taking of new functions. In part it is due to a changing pattern of market failures.

HISTORICAL BACKGROUND

20. Bangladesh, as a state, emerged out of conflict and violence. Widespread violence during the partition of Bengal in 1947 and the Liberation War of 1971 had not only caused millions to flee across the border but had also displaced people from their natal homes, towns and villages. In addition, Bangladesh had inherited structures from both the British colonial and Pakistani state,

some of which, like the military and the bureaucracy, had created a privileged middle class within Bengali society. In many cases the structures themselves had contributed towards sustaining violence. In other cases violence had resulted due to processes of structural transformation such as modernization, globalization and the consequent disarticulation of a traditional peasant society.

21. In the aftermath of independence, some scholars thought that Bangladesh had a ruling class but that it was not hegemonic. The reason behind this proposition was that the power base of the Awami League, which had won an absolute majority in parliament, rested predominantly on the petit bourgeois and the rural rich. This class did not have influence over the military-bureaucratic oligarchy which had traditionally controlled the 'over developed' Pakistan state. Rapid private accumulation during this regime therefore took the form of plundering and extortion of nationalised state resources in the public sector. During this phase two methods were used to appropriate surplus, one by directly selling distribution licenses gained through political connections, and second, through siphoning off of marginal differences between ex-factory and market clearing prices. It may be mentioned that although industries were nationalised the distribution of products remained in the hands of the private sector. A group of businessmen with close links with the regime obtained distribution licenses and then sold them to the private distributors. In this way the class, which received state patronage procured jobs in the nationalised industries, grew rich by smuggling, appropriating abandoned property and selling off government permits and licenses to the highest bidders.

22. The military *coup d'état*, which toppled the Awami League government in 1975, represented to a large extent a section of the military-bureaucratic oligarchy that had inherited notions of a divine right to rule from the Pakistan era. In Bangladesh, they felt their power threatened by the attempted hegemonic control over the state apparatus by the Awami League power base. It must be mentioned that the class base of the newly established BNP was no different than the previous regime, but it represented a section, which, throughout the Pakistan era, had enjoyed political privileges and patronage of the state and felt deprived in the newly independent Bangladesh.

23. The resentment against officers of the Civil Service of Pakistan was made manifest in the issuing of the Presidential Order No. 9 which removed the constitutional protection of service enjoyed by the civil servants of Pakistan (CSP) and subjected them to dismissal without cause or recourse to court review. Awami League loyalists used this to purge the bureaucracy of non-Awami Leaguers and to replace them. Bureaucratic infighting prevented any resistance being built up against this onslaught, but those who remained harboured a growing sense of injustice, resentment and alienation towards the Awami League. The situation of the military *vis à vis* the government was worse. The military in post-independent Bangladesh found its corporate interests threatened by the new government. The formation of the Jatiyo Rakhhi Bahini, a parallel paramilitary organisation, particularly instigated the military.

24. The change in regime in 1975 did not witness a change in the extortionist tendencies inherent in the previous regime. In many cases it only meant a change of sides by the same 'beneficiaries' of the previous regime, viz. businessmen and subcontractors. But the change also meant additional benefits and privileges to those alienated by the previous regimes. This meant the restoration of the power and privileges of the bureaucracy, expansion of the military, and centralisation of power in the hands of an elected president. Under Ziaur Rahman, the 'militarisation' of the bureaucracy started with senior military officers being inducted at all levels of the administration. Military officers were appointed to ix out of twenty secretaries positions, fourteen out of thirty superintendents of police, ten out of twenty top public sector corporate directorships and some thirty two diplomatic posts were filled by officers drawn from the military. The floating of the Bangladesh Nationalist Party itself a conglomerate of diverse interests was held together by Ziaur

Rahman's patronage in the form of jobs, bank loans, licenses and permits. The support base of the BNP was drawn from sections of the military, the bureaucracy, the business community, pro-China radicals, pro-Islamic elements and former members of the Awami League who had opposed Sheikh Mujib's authoritarianism), Under Ziaur Rahman therefore corruption became institutionalised. In a speech delivered in 1979, he himself admitted that corruption and misuse of power had led to the wasting of almost 40 per cent of the total resources set apart for development. (Kochanek, 1993)

25. The military coup by General Ershad in March 1982 led to the creation of an authoritarian military bureaucratic state. Following in his predecessor's footsteps, Ershad created his Jatiyo Party to legitimise himself and even more than the BNP it was held together by generous political patronage. Also lacking an overarching ideology with which to attract popular support and legitimacy he attempted to use religion, making Islam the state religion. This was a mere consolidation of a trend started by his predecessor.

26. Under Ershad, corruption became all pervasive extending from petty corruption, project corruption, e.g. taking large commissions for securing large public sector contracts and programme corruption, e.g. food scandals. Ershad's government was not popular among students and the urban middle classes. Their discontent culminated in the mass movement of 1990, which created conditions for his forced resignation from office.

27. The end of Ershad's rule coinciding with the collapse of the Soviet Union and the worldwide movement for democracy witnessed the end of direct military rule in Bangladesh politics. At the same time, it heralded in a polarization of party politics between the BNP and the Awami League to a level, which even involved public and professional institutions such as the University, Bar Associations, Medical associations and other civil society forums. But it is important to bear in mind that the polarization occurred at a superficial ideological level of Bangali versus Bangladeshi nationalism or as many would like to purport at the level of personalities i.e. a fight between the 'two ladies'. The polarization therefore did not reflect class differences. Conflicts therefore between Awami League and BNP were more about power-sharing than anything else- share in jobs, acquired property, business licenses, tenders as has been nakedly demonstrated in open disputes between the two student branches of the mainstream parties in various University campuses. What has been bothering many middle class intellectuals and donors alike has been not so much the disputes themselves but the 'crude' and violent ways of resolving them. According to them, the ideal and more 'civilized' way of resolving such disputes should have been through consensus building in democratic institutions such as the parliament or meeting over a table. But the near absence of the opposition in parliament and the resolution of political issues out on the streets, much to the annoyance of our liberal middle class intellectuals and donors alike have failed to bring about a happy working out of the principles of a power-sharing consensus. That is why much of the take-over of power (whether by Awami League or BNP) resembles the politics of '*char dokhol*' (occupation of char lands), which is more typical of a thriving peasantry than a burgeoning bourgeois democracy.

TRENDS IN DEVELOPMENT THINKING IN BANGLADESH

28. From its very inception Bangladesh has been the site of many developmental debates. From an aid dependent country it has graduated to being a test case of development. Throughout the years it has adopted various paradigms to help meet the challenge of development These changes occurred in the Bangladesh scene both at the level of national politics as well as at the level of development policies and in the strategies pursued by successive regimes. The shifts in development goals and priorities have followed some broad trends: (a) the shift from a self-reliant autarchic goal to integration with the world economy. (b) the shift from public sector to

privatisation and (c) from a poverty focus to efficiency oriented development (d) governance, gender and human rights (e) modernisation and growth versus indigenous development.

The shift from a self-reliant autarchic goal to integration with the world economy

29. The First Five Year Plan formulated by the first Planning Commission of Bangladesh assumed a mixed economy in a state of transition to a fully socialist system. The technocrats in the Planning Commission overlooked the fact that the political leadership had no *firm* convictions regarding this assumption. It was widely believed by those within the Commission that aid dependence should be reduced by two methods. First by delinking from the world capitalist order. This meant that the aid and trade ties through which the Pakistani economy had been linked to the western world, had to be diversified so that aid and trade relations could also be established with centrally planned countries and countries which played an important role in the Liberation War, for example India. Second by emphasising bilateralism in aid negotiations, aid was to be negotiated on a country-to-country basis rather than through a consortium thus giving the recipient more flexibility and room for manoeuvre.

30. The Plan also enunciated the need to limit private ownership of the means of production and ensure the right to work. It required that the conditions be created for the emancipation of the toiling masses from all forms of exploitation, that equal opportunity be given to all citizens, that all forms of unearned income be discouraged, and that private ownership of the means of production be limited as prescribed by the law.

31. But the world-wide recession and local floods created such havoc in the economy that both planners and the political leadership found it impossible to deal with the situation without external help. In the aftermath of the war, the situation was such that the political leadership found it impossible to deal with the situation without outside help. The political leadership could have taken some hard decision if it had wanted to. But deriving their support largely from large landowners and small traders, they could not bring about any effective change. Thus the attempt at initiating land reforms, which limited the ownership of land up to 100 bighas per family, was restricted as a result of the pressures from the landed gentry. Likewise certain key industries were nationalised and their management reorganised in state-run corporations. But they too in the long run fell prey to the inefficiency and corrupt practices of government officials.

32. This reflected the fractured convictions of the political leadership. They were not unanimous as to whether the mixed economy as envisioned by the planners would be transitional stage to a socialist system or whether it was going to be a permanent long-term pattern of the economic system. Moreover the priorities set out in the Plan were made by the Planning Commission on the basis of its own interventions without it being discussed or seriously debated in any political forum.

The shift from public sector to privatisation

33. The Second Five Year Plan (1980-85) indicated major changes in the development orientation of the government. The Plan was prepared against the background to adjusting to changes in the balance of payments situation following an increase in the oil price in the early seventies. But by the time the Plan was launched the international aid and trade situation received a significant jolt and it shifted very adversely against Bangladesh.

34. The main focus of the Plan was on the reduction of poverty through growth of income and employment by adopting poverty-oriented strategies in the development of the rural sector,

especially, where the vast majority of the poor live. All other strategies were to be built around this principle. Although it maintained that the cornerstone of rural development was agricultural development, it also maintained that it was not necessary to interfere with the ownership of land (Government of Bangladesh, 1980:13). Thus it seems that despite its apparently serious concern with rural development, the plan boiled down to what has been called a "rehash of the old and inadequate modernisation approach to rural development" (Van Schendel, 1988:64).

35. A more significant indication of change in the Government's developmental orientation was to be seen in its investment policy. It was felt that the initiative, drive and energy of the individual should be given greater opportunity to flourish and contribute to economic development. A policy of encouraging the private sector in a big way was adopted by the Government (December, 1975). The foreign Investment promotion and protection Act was passed in 1980 to institutionalise within a legal framework the Government's commitment towards Private Investment (PFI). This strategy linked itself to the World Bank inspired strategies of export processing zones in Dhaka, and the ports of Chittagong and Chalna (Sobhan and Bhattacharya, 1986:215). The continuation of this policy was to be noted in the launching of the New Industrialisation policy in 1982 by the new martial law regime.

36. The Third Five Year Plan (1985-1990) emphasised a "rational sharing of developmental responsibilities between the public sector and private sector" (Government of Bangladesh, 1985). The private sector was to be entrusted with all enterprises, operations and institutions, which could be more efficiently handled by it than by the public sector. It was this trend, which was to be noticed in subsequent plans of the country. By the nineties it was well acclaimed by any governmental instruments that privatisation would be the slogan of the day. This was in keeping with the global shifts in developmental aid orientations from a basic needs and poverty-focused approach to a more efficiency and market-oriented strategy. Parallel to these patterns of change, successive governments in Bangladesh too revised their development strategies to the extent that recent policies differed radically from the earlier visions of public sector dominated economy of the post-liberation period.

37. In addition to the above shift, or rather contributing to it, the continuing dependence of Bangladesh on foreign aid has in practice come to mean that the structural adjustment programme has come to permeate virtually every aspect of economic management. In the post-1979 international economic environment, LDCs were likely to acquire extensive programmes of domestic policy reforms in order to respond to changed international relations, prices, terms of trade, deterioration and declining national inflow of foreign finance. The postponement of such reforms had it was claimed created in many countries a syndrome of severe price distortions, administrative over-regulation, public-sector inefficiency, falling savings and low-yielding capital investment. All these required long term and profound structural change but might create political and transitional difficulties. So the SAL programmes would function to provide the additional resources to enable governments to implement the necessary reforms or structural adjustment. In order to bring about the policy changes, the World Bank ideally enters into dialogue with the recipient government. This has now become an accepted fact of international relations.

38. The set of structural policies, which come with the SAL package includes the removal of food and input subsidies and other price-distorting policies, financial liberalisation to reflect true opportunity costs of capital in financial markets, rationalisations of public enterprises, market restructuring to allow greater competition and strengthening of rural institutions for rural development, both related to social and physical infrastructure.

39. The structural adjustment process in Bangladesh has been criticised for its social, political and economic costs. Despite there is also a broad consensus on the need for structural adjustment.

The disagreements tends to focus on the choice, pacing and sequencing of its instruments which in turn make it difficult to find a commitment to implement the actual programme.

The shift from poverty reduction to efficiency

40. From the seventies to the eighties and into the nineties, a global shift in development and orientations can be witnessed from a basic-needs and poverty-focused approach to a more efficiency and market-oriented one. Parallel to these patterns of change, successive Bangladesh governments too revised their development strategies to the extent that recent policies differed radically from the earlier visions of a public sector dominated economy of the post-liberation period.

41. Donors have also had their say about this development shift. By the mid-seventies a new direction in aid policies could be noted in the World Bank strategy aimed at small farmers, the New Direction policy of the US Congress of 1973 and the official policy of Development Assistance Committee of the OECD. These policies emphasised that development aid needed to be made directly accessible to the poor, instead of depending on the trickle-down approach of growth theories or on market mechanisms. This meant providing for (1) internal requirements of the family, such as adequate food, water, shelter, clothing and (2) essential services for the community at large, such as safe drinking water and health care.

42. In Bangladesh, the donors enunciated the need to target the poorest in various areas such as primary education, family planning, urban service delivery and credit provision. They also critique the government for the lack of a strategic approach in areas such as agricultural policies, environmental policies and management. By the eighties however this trend was coming under assault as well. Was the target population – poor, women and small farmers – really benefiting or becoming victims of 'tokenism'? More important, was it at all possible to really reach the poor without revising existing power relationships?

43. Following the above critique the influence of the new growth or neo-right theories became apparent. These emphasised a development strategy where privatisation and marketisation was encouraged, removal of state controls and subsidies and a free play of market forces were advocated. In macroeconomic terms it meant improving the public administration through administrative reforms and energising the private sector through extending trade liberalisation.

44. At a more local level this transition was manifest in the shift of poverty alleviation strategies of grass roots NGOs. After the independence of Bangladesh many NGOs have tried to address the problems of the rural poor from a combined view of consciousness-raising and credit. But as the time went by, more and more NGOs took up the credit strategy than the consciousness-raising one. The growth of Grameen Bank was largely influential in this development. Micro financing was deemed to be the solution to poverty. This however was not without its critique. Lately a rift has been created between larger NGOs based on credit and micro financing and those carrying on activities on a rights-based approach.

Governance, gender and human rights

45. The issue of governance globally, has emerged largely within the context of the post-cold war experience of liberalising economies, as well as the parallel democratising forces unleashed in Eastern Europe and in many developing countries. In Bangladesh changes along these lines were imminent, but whereas the liberalisation of the economy could be traced from the mid 1970s, first emerging as the agenda of a military regime, the democratisation process emerged as a

strong movement against the military-backed regimes in the early 1990s. Politically, Bangladesh has followed a course, which has taken it from a parliamentary democracy to presidential rule to the successive *coup d'états* followed by martial law interspersed by elections, which voted into power autocratic regimes with entrenched military interests. But the resistance and the contestation of authorities have always been part of the political culture of Bangladesh and time and again people both within and outside political parties have demonstrated this power through various protest movements. The anti-Ershad or anti autocracy movement from 1987, which culminated in 1990 in the collapse of the Ershad regime and the ensuing elections of 1991, bringing parliamentary democracy back to the political arena, demonstrated the strength of civil society in Bangladesh.

46. Related to the issue of governance but historically preceding it as a development paradigm, gender and human rights issues have infiltrated the development discourse in Bangladesh. It is generally assumed that the issue of gender discrimination and exploitation in Bangladesh has been initiated through and has featured more in the development discourse rather than in mainstream politics.

47. The WID school of thought made its entry into Bangladesh during the UN Women's Decade from 1975 to 1985. It was accompanied by a simultaneous rethinking of a development strategy of the trickle-down approach of the modernisation school and the introduction of the Basic Needs Approach. Through this new approach, women along with the landless and target groups were selected as the beneficiaries of development process, the emphasis of which has shifted from large-scale infrastructural development to small-scale project oriented development. This was also the point where many local level NGOs with close contact with roots entered the international development scene.

48. But by the eighties this trend was coming under assault as well. Were women really benefiting from the targeting approach or were they in reality becoming victims of tokenism. Many governments like Bangladesh who accepted the WID programme more because of political expediency rather than genuine concerns for women's development, were actually happy to construct separate ministries for women, design separate programme for women in marginal areas as long as it did not disturb the mainstream discourse, which remained pro-infrastructure. Women therefore entered the development process as an appendage and women's concerns came to be increasingly ghettoised in policy circles. As a response to this critique, another debate emerged as the planning and implementation of women's development. Should it constitute a separate arena in the national development process or should it be reoriented or recast so as to reflect women's concerns adequately and properly so that women's participation in development and their human dignity and social status improve at a satisfactory pace? The latter stream of thought has come to be called "mainstreaming women" and is reflected in the Fourth Five Year Plan.

49. It is interesting to note that mainstreaming women as a development strategy has arisen at about the same time as another slogan in the development field: privatisation and marketisation, which emphasises removal of all state controls and subsidies, and allow the free play of market forces. But even in this development climate, it is recognised that a certain amount of state intervention and affirmative state action will be needed for gender-based development. But instead of merely incorporating women's programmes into an overall development pattern, which remains largely male-oriented, the development process can be recast to recast to focus on increasing participation of the female labour force and to induct women into decision-making processes at both micro and macro levels and hence empower them. But while this more or less the establishment view, a different kind of 'mainstreaming women' can be discerned: one that originates from years of mobilising women at the grass roots level and one which derives its strength from the many protest movements which women have participated in.

50. This counter-interpretation runs as follows: problems of gender discrimination and exploitation cannot be understood or resolved in a piecemeal manner, through the initiation of isolated projects and programmes. Gender exploitation has to be understood within the context of a male-dominant society and a world order dominated by neo-colonial relations and fundamental questions have to be posed about the legal rights of women, their economic exploitation and oppressive notions of sexuality, perpetrated by socio-cultural norms. Such an approach is supported by feminist groups within the women's movements, the smaller NGOs and human rights organisations and is thus far removed from any official interpretations of WID.

51. It could be said that both in the international as well as in the Bangladesh context, instruments of women's rights like the CEDAW and forums such as Beijing and Cairo proved to the precursor for the rights–based approach to development. As a result of these international instruments, many multilateral agencies have reinvented themselves and recast many of their traditional development concerns within a human rights framework. For example UNICEF has reaffirmed its goal and objectives within the framework of the Convention on the Rights of the Child (CRC). The UNDP in its most recent policy paper states that the human rights approach that it is adopting should be holistic and multidimensional, recognising mutual dependency and complementarity of sustainable human development with social, economic, cultural, civil and political rights. UNDP has also recognised that human rights will be mainstreamed in its activities and not relegated only to specific human rights projects.

52. Bangladesh is a signatory of UDHR, CEDAW (with reservations), the Cairo and Beijing Agreements and have only recently signed and ratified the ICCPR and the ICESCR. However the Bangladesh Government's commitment to human rights though well intentioned is often marred by political considerations. Currently the Bangladesh scene witnesses many instances of blatant human rights violations: increasing violence against women, trafficking of women and children, assaults against religious and ethnic minorities, incidents of state coercion and para-statal violence for example eviction of slum dwellers without proper rehabilitation measures to name but a few. Although it is easy to criticise the government on these issues, it is harder perhaps to think of alternative ways in which one may mobilise public opinion to help bring pressures on the government to change the state of affairs. This can only be successful if a vibrant civil rights movement and human rights regime were to emerge. Given the polarisation of politics on the one hand and donor dependency of the more resourceful civil society organisations, the civil liberties movement in Bangladesh is at best at an embryonic stage. Given such a situation it may be difficult to envisage an effective rights-based approach on development. We must therefore look at those spaces, which are open to change or show signs of potentiality.

METHODOLOGY

53. In the following sections we will select two development paradigms in poverty reduction being practised by the Bangladeshi development actors one in the field of credit (the dominant development paradigm in the country adopted by both Government and NGOs) and one in the field of health policy (one more amenable to the rights-based approach). We will then look at one district in Northern Bangladesh particularly known to be an impoverished, famine stricken area and look at concrete development interventions of two big NGOs there, BRAC and RDRS. Finally we will conclude with some comparative insights into how poverty reduction strategies and rights-based approach function in the context of Bangladesh.

54. The above fieldwork and analyses has been based on interviews with relevant sections of development workers both in management and in the field as well as observation and focus group discussions with beneficiaries in the field.

DEVELOPMENT PARADIGM: MICRO-CREDIT

55. Income generation through rural credit has been one of the oldest and most widespread approaches practised by some of the larger NGOs and also appropriated by Government agencies in Bangladesh. Although experiments with micro-credit as loans for small farmers had been experimented with even before the birth of Bangladesh, it was Mohammed Yunus of Grameen Bank who in the mid seventies gave fresh meaning to micro-credit by making it accessible to the rural poor. The thrust of his intervention was that the poor, whose needs were not addressed by standard commercial banks because they did not have the required collateral, could prove to be more efficient borrowers than most, provided that the system of banking changed. In the words of Yunus himself, Grameen Bank was such a bank where the people did not go to the bank, but rather the bank came to the people." Instead of a specific amount of deposits serving as collateral, it was group collateral which gave the poor credibility to repay loans. Grameen Bank now boasts as much as 100% loan recovery rate. Yunus had wanted the Grameen experiment to be taken over by the national banking system but had failed to do so. He therefore had to turn to international donors in a big way and the micro-credit experiment took on an international flavour of which Grameen Bank became a key player both nationally and internationally. It was this role, which later influenced the Government of Bangladesh to later adopt some of the same strategies in its government programme. The Bangladesh Rural Development Board (BRDB) became one of the official channels of offering micro-credit to the poor, but its outreach was limited compared to the operation of Grameen Bank and other large and medium NGOs which had followed the steps of Grameen with respect to rural credit like, ASA, Proshika, BRAC. A more recent innovation linked with the Government was the establishment of Palli Krishi Shahayak Foundation, which can be called a Government initiated NGO (GONGO) set up by the Companies Act in 1990.

56. One of the prime objectives of setting up PKSF was to systematise credit management, which according to the Government had become too widespread and unwieldy as practised by different NGOs with "virtually no form of regulation by the Government." (quoted by M.A. Hakim, General Manager (Admin), PKSF). PKSF operated in partnership with local NGOs whose capacity building was also another prime concern of PKSF. PKSF has four different kinds of credit programmes, rural, urban, hard core poor and entrepreneurial. Other organisations like BRAC have also invented different categories of their own like *Dabi* for hard core poor, *Unnoti* farm income loans and *Progoti* for up scaled non-farm loans i.e. small businesses. All this has been part of the 'learning curve' in the history of credit institutions in Bangladesh, which started off with the slogan that access to credit was a right of the poor to discovering the 'missing middle' in development.

57. Regarding the efficacy of credit programmes in addressing poverty reduction in general, Mr. M.A. Hakim, General Manager of Hakim cautions that credit thrives where there is already growth taking place with some infrastructure in place. For example it has been seen to be most successful where roads have been built and access to market ensured. It can also be merely an entry point and not beneficial on its own but backed up by relevant training, for example where groups receiving credit are simultaneously receiving training in poultry farming or any other income generating activities which will help boost their income and thereby repay their loans with a minimum amount of risk. Credit has traditionally been successful in the non-agricultural and tertiary sectors like petty trading and transportation, but lately agricultural loans are also increasing. Previously credit has been considered useful for settled agrarian communities where loan repayment is not as hazardous as with unsettled or nomadic people. But now diverse packages like credit is being offered to people in lowland *char* areas where people are constantly shifting due to land erosion by rivers or to beggars in the street. The success of these programmes has yet to be evaluated.

58. One of the greater success stories of rural credit has been the preponderance of women borrowers, which according to many reports have led to women's empowerment (Shehabudin, 1992). As M.A. Hakim reports gender equality has become part of the credit package and dominance of women have been due to both philosophical and practical reasons. It is philosophical because it has become a basic premise of the development scenario in Bangladesh that development cannot occur with 50% of the population remaining excluded and it is practical because given the nature of the centrality of the family in Bangladesh, when a woman borrows money she uses it for the family, thus making the man a stakeholder and beneficiary as well. Most credit institutions works in this way so as not to upset the delicate gender balance. Yet findings say that women have also become empowered through this process. The empowerment usually takes the form of leadership at local level politics or even political awareness as citizens and voters.

59. But despite this, women's participation may become limited to the following factors. Rural women live in closely bound social structures where existing sexual division of labour, cultural norms of seclusion and limited access to markets constrain their participation in such activities. But the strongest impediments to women's participation stems from her traditionally conceived role as homemaker. Thus there are many who would like to access credit programmes, but cannot because they face a double burden of managing a household as well as taking in extra work. It can therefore be noticed that many women in credit programmes tend to take up activities which are more in line with their daily chores for example, poultry rearing, handicrafts, homestead gardening.

60. Even this has been increasingly been criticised by traditionalist forces, which have attacked different various NGOs because they draw out women from *purdah* (seclusion). (Guhathakurta, 1994). Backlashes such as these seem to indicate that though empowered at the micro level of the household, there is antagonism towards this process at the state and societal level.

61. Donors have also been criticised by credit institutions themselves in their persistence to extend the quantity of target groups as opposed to ensuring quality of the programmes. At the pressure of donors, local credit institutions often have to withdraw from one area in search of new target groups in order to satisfy the objectives of the donors. This does not usually take the form of abandonment of the old groups, since other NGOs come in to fill in the space. This has led to criticism coming mostly from the left that credit leads to entrapment of the poor rather than liberation from their poverty.

DEVELOPMENT POLICY: HEALTH FOR ALL

62. The Government of Bangladesh is committed to achieving the overall objectives of the World Summit for Children and the Programme of the International Conference on Population and development (ICPD) held in Cairo, 1994. It is also committed to Health for All by the year 2000. The Primary health care approach has been accepted as the strategy for achieving this goal.

63. To support Bangladesh's efforts to improve the health and family welfare status of women, children and the poor the first-ever Health and Population Sector Programme (HPSP) and the National Nutrition Programme (NNP) was formulated with the help of donors for the period 1998-2003. This strategy provided the basis of the National Health Policy of 1998 with the objective of realising the vision 'health for all'. The strategy was developed with the recognition of the urgent need for reforms particularly in management structure, service delivery mechanisms, utilisation of public and private sector resources, decentralised management systems, and increasing popular participation at all levels.

64. The principles of HPSP included (i) providing health care services based on client needs, especially the needs of women; (ii) increasing the quality and efficiency of service and equity of access; (iii) focusing on essential package of services (ESP); (iv) enhancing the role of NGOs, non-profit hospitals and the private sector in health services and; (v) improving efficiency and expanded cost recovery. After the period has ended, preparations are on way to formulate the next programme which will unite the previous HSPS and NNP into what is known as HNPSP i.e. Health Nutrition Population Sector Programme.

65. One of the characteristics of the new programme is the reversal of the unification of health and family planning services, which undermines one of the main pillars of HPSP. This has been a delicate political issue as it affects jobs and health employees at the field level. The Family Planning sector is one, which contains the largest number of employees in the public sector, and therefore any changes in this sector become a highly politicised issue.

Constraints and lessons learned

66. The present Government appears not to 'own' the HPSP, which was introduced by the previous Government. Furthermore, this Government's commitment towards implementation of HPSP and continuation of the process is not beyond doubt. The development partners have expressed concern over the lack of vision behind actions and decisions of the Government concerning programme implementation.

67. A significant issue facing HPSP is the apparent weak ownership of the reforms that are regarded as being essential to the process. As the largest source of funding in the programme, the World Bank viewed its role as intellectual and perhaps a moral leader in pressuring for reforms, it was perceived as unwanted pressure in Government quarters. An over-reliance on international advice has hampered the ownership.

68. The start of the NNP was very slow, predominantly due to a lack of guidance and decisions from Ministry of Health and Family Welfare as well as frequent staff changes in the Program Support Unit. Recruitment of project staff was seriously delayed. The new government initially wanted the programme to be changed, but is now willing to continue along the lines of the credit agreement.

69. The sectoral policy has not included some key elements, such as urban health NGOs (a number of which boast innovative, comprehensive and highly developed health services) and for-profit elements. It has not incorporated nutrition, HIV and environmental health care. Therefore the HPSP is based on a traditional programme-based approach rather than an innovative multi-sectoral approach to Health

70. The effectiveness on improving the health status of the poor majority of the population continues to depend on co-operation with the civil society organisations (CSOs). These were not included in the HPSP, neither were the for-profit practitioners. CSOs manage a large proportion of the most effective health care services in the country, which directly address the needs of the poor, unlike the public health care services that, for curative serves, are utilised by only 13 percent of the population, and are generally avoided, even by the poor.

71. The government continues to espouse an unaffordable mandate. The financing gap in health care expenditure implies rationing of such services, either by price (which would not deliver a pro-poor service pattern) or by selection (exemption of the poor from charges) leading to difficult problems of provider incentives.

72. Health workers resist decentralisation as they stand to lose power, status and access to rents from decentralisation or from other more efficient, equitable or less corrupt outcomes.

73. Future approaches might usefully be based on a greater use of diverse providers of publicly funded services (private sector, NGO, community organisations), competition, an improved management environment, and regulation by way of contracts for publicly financed services.

74. Bangladesh has a narrow window of opportunity that many other countries missed: to act early and decisively to prevent a nation-wide HIV/AIDS epidemic. While the number of HIV/AIDS cases in Bangladesh is still relatively low, high-risk behaviour includes the sharing of infected needles by injecting drug users, low condom use within the country's large commercial sex industry, and blood transfusions from an unscreened blood supply. Vigorous and immediate action to educate and change behaviour will allow Bangladesh to avoid the devastating social and economic effects of mature HIV/AIDS epidemics seen in other countries.

75. We thus see that a policy that was envisioned through a rights based lens floundered in its implementation stage due to (a) pressures of reform that came from the top i.e. donors, (b) tense relations between Government and NGOs and civil society bodies resulting in their inclusion in some critical areas and (c) the political environment of the country where issues such as these can easily become politicised.

FROM THE FIELD: RIGHTS BASED APPROACHES IN A SERVICE DELIVERY WORLD

76. A rights-based approach to development sets the achievement of human rights as an objective of development. Although this approach is still somewhat new in Bangladesh, several traditional service delivery organisations are trying to integrate rights as either a means to themselves or as delivery apparatus for the goods and services they provide. This case study attempts to describe the process in which such organisations are trying to use human rights as the scaffolding of development policy with their service delivery responsibilities and the problems and debates that emerge from forging such an alliance. It looks at two organisations, Bangladesh Rural Advancement Board (BRAC) and Rangpur Dinajpur Rural Services (RDRS), both of which operate in North Bengal and are trying to synthesise rights with their service delivery responsibilities.

The CFPR-TUP Program: Induction of a Rights Based Approach

77. In January 2002, BRAC started a new program for the extreme poor called Challenging the Frontiers of Poverty Reduction/ Targeting the Ultra Poor (CFPR/TUP) program. It has been initiated in the North of Bangladesh, with Nilfamari (a district) as its base of operation. A brief historical perspective on BRAC's development programs helps to explain its current engagement with the extreme poor. BRAC has been concerned with developing programs for the extreme poor since its beginnings in 1972. Although micro-credit programs have existed in that region for many years, BRAC came to realise that micro-credit alone is not as suitable an entry point and intervention for the extreme poor as it is for the moderate poor (this realisation has been shared by RDRS as well, which has similar activities as of BRAC in the region). BRAC thus decided to merge their conventional service delivery approach with a rights based approach but still retain the "essence" of delivery since its experiences have found that the "hard core poor" (or the ultra-poor using BRAC terminology) are increasingly slipping out from its micro-credit meshed net.

Designing the Program: Engaging Village Elites

78. Given that an important dimension of extreme poverty in rural Bangladesh is weak social capital, the original program design envisaged a process of building the social support networks of TUP participants through a strategy of 'pushing out', or building links and support networks with other groups and organisations. These were to include existing BRAC village organisations of micro-credit borrowers, who tended to include poor, but rarely ultra-poor women members. Local government officials were also to be encouraged to take an interest in the program through a targeted advocacy and communications strategy designed to highlight its achievements in addressing the most severe and chronic forms of poverty. That is, social capital was to be built both through stronger horizontal networks, among the poor, but also through vertical links to official structures.

79. Early on in the process of distributing assets to TUP participants, however, BRAC staff recognised that the program was likely to face a number of problems. One was that some participants began to appeal directly to BRAC staff for assistance and advice, sometimes travelling long distances to do so. In effect, participants began to treat BRAC staff as patrons. A second was that assets given to these extremely poor women appeared to be at risk from theft or damage, including from some community members who were jealous of the program beneficiaries. In the initial stages of asset distribution in some villages, there were instances when BRAC micro-credit group members displayed their resentment against TUP participants whom they felt were receiving gifts from BRAC, while they, as conscientious BRAC loan group members, had received nothing free. In the early stages at least, it was not clear that TUP participants were likely to gain strong support from BRAC micro-credit group members, many of who had tended to exclude the ultra-poor from membership of their groups.

80. Lacking any strong social support from the poor within the community, then, ultra-poor women were unlikely to be in a position to protect their newly gained assets. The need for an intervention, which could provide TUP participants with enduring, day-to-day, on-site support was clear. BRAC Programs staff recognised that, despite the limited scope of customary sources of social support, the program should avoid undermining or replacing these altogether. Undermining older, village-based practices of assistance to the poor would be an undesirable side effect of the program because it would reduce the range of potential sources of support available to these groups. But a more practical concern was the need to ensure that such assistance was available at close reach, within the local community. Not being community members or residents, BRAC staff would not have been in a position to provide all the support and protection needed by ultra-poor households, even if this had been an objective of the program.

81. Thus, the decision was taken to engage village elites in the program. The aims of this intervention with village elites were to maintain or even strengthen customary systems of social support for the poorest, while also providing some more systematic, community-level protection against the social and environmental risks characteristically faced by the rural ultra-poor.

Making Way for Rights

> "Rights are a nuisance actually. They are for NGOs that they get a lot of foreign funding. We can't afford rights." BRAC PO, Nilfamari.

> "Sure I know what rights are. Rights are something they can't take away from me and are not for sale, like my integrity." Sufiya Begum, Nilfamari

82. The difficulty of maintaining rights of the ultra-poor and giving them a proper voice and platform by the BRAC program is exacerbated by the problem of financial constraints. The

rights that BRAC is trying to promote might be universal, but they are also costly. As Fazle Hassan, founder of BRAC, himself states, the efficacy of his organisation depends on the state, as BRAC is merely an organisation that tries to reach out where the state fails. If states are the ultimate duty-bearers, and those states are poor, then immediate and universal fulfilment of rights is simply not an option. The answer, in the literature and the legislation, has been to speak of 'progressive realisation'. In the short-term, states have not a maximum, but a minimum obligation, which means providing the 'maximum available' resources. In practice, this means taking at least some steps, which indicate a greater degree of commitment than have been demonstrated so far. .

83. As the ultra-poor program suggests, even at the program level, there is conflict for the need of rights for BRAC programs. Some BRAC program officers define their central objective as poverty reduction of the ultra-poor and taking them to the next "bracket," that of being merely poor – but the meaning they give to poverty reduction affects how they view rights. International law defines poverty in terms of denial of human rights and in turn defines human rights as the means and the goal of development ('all human rights for all'). If a BRAC Program Officer's goal of reduction of poverty is not the goal of securing 'all human rights for all', then a minimal rights would be to ensure that their work towards poverty reduction does not undermine the human rights obligations of partner organisations. Through their work with the TUP project in North Bengal, BRAC is attempting to make clear the difference between their in-house definition of poverty reduction and that required by international human rights law.

84. Thus, given that BRAC does serve more like an umbrella organisation with different units like heath and credit working under the same corporate identity, it is perhaps not surprising that some members have not identified the full relevance of rights based approaches to their work while others are starting to get an inkling of it. In some units, like credit for example, awareness of the rights based concept is limited. It involves staff noting for example, the importance of gender equality, while approaching the work of the organisation in micro- or technical- terms. But then again, some staff members, like the ones working for the TUP project, feel that they are already using rights in their work and that it is simply a matter of using HR language to describe it. In the end, what has been identified is that in some cases rights based policy commitment is not yet well rooted in BRAC organisational culture, while individual staff and certain units within the organisation are promoting it internally like the Advocacy Unit in BRAC.

RDRS: Background

85. RDRS an internationally funded NGO since its inception in 1972, has been implementing a number of need-based development programs and thus covered millions of poverty-stricken women and men in the north-west region of Bangladesh. These programs are categorised in four major components as i) Institution building, ii) Social awareness and establishment of 'Social Rights', iii) Economic Promotion, and iv) Civic engagement. Under each of these components various types of small, medium and big size (in terms of budget volume) projects have been undertaken to fulfil the needs of the target people of this area. These projects are classified under four major heads, which are a) Core Program (funded by RDRS core partners/donors), b) Partnership Project, c) Bilateral Project, d) Other: cost sharing and recovery through self-financing, income generating activities in RDRS

Field Observations

86. As of April 2005, RDRS has developed 75 (73 ongoing and 2 defunct projects) can be classified under four overall types:

- Self-financing
- Demonstration
- Action Research
- Commercial

87. Among these four types, 26 of the schemes belong to the self-financing type, 46 to the demonstration type, 3 are action research, and none are commercial. 31 of the projects are new, 36 have been profitable, 6 have been loss making, and 2 have been abandoned.

88. RDRS has also been providing both financial and non-financial services to the entrepreneurs – training, credit, accounts maintenance, and to some extent, marketing. Training is given for all types of enterprises. Credit and accounts facilities are also provided to most of the enterprises. RDRS recently initiated a model training program developed by GTZ-PPS-B– a high quality program capable of enabling participants to achieve their potential as entrepreneurs. It has been well proven that women are usually very sincere in implementing enterprises of their own, and regular in repaying the loans. Diversifying women's activities has increased their income and occupational opportunities. Group members' involvement in economic activities has to some extent uplifted their social status. With enhanced income, the participants are now more able to meet their basic needs by themselves. Currently monitoring is not regular, in most cases the participants do not maintain their own records, and these are kept with RDRS field staff, in their respective offices.

RDRS Health Unit

89. In Nilfamari, a substantial exposure to the RDRS Health Unit enabled one to experience the health unit from a different perspective. In the first place because this unit is working directly with the population, providing services like antenatal care and eye care, the development paradigm here is different from Social Development, where the idea of empowerment and handing over is dominant. Activities within the health centre would not lead to the same objectives as set elsewhere in the organisations, although it is true that good health is a basic condition for human development.

Micro Credit Unit

90. The RDRS micro-credit unit has recently been separated from the Social Development program. The reasons were of an administrative but also development kind. At grassroots level the staff found it more and more difficult to combine these two. The separation meant that Micro Credit has its own staff, which is working with their own credit groups. They have their own fund and will strive to function as a micro credit bank with sufficient coverage rates and return on investments. The credit unit is in the process of writing a comprehensive business plan.

Asset Management

91. RDRS is also carrying out activities that are not directly related to social development of target groups, but enable conditions on which the other units can function. From discussion with the program managers, it was learnt that the activities are seen as separate profit centres, for which its costs, expenses, income and profit are clearly allocated towards the various users (as well internal clients that are the other units, as the external clients). In other words, each profit centre has its own business plan and is budgeted independently.

> "We are not far off from rights. After all, we give people what is rightfully theirs. The only difference is they need to be pushed first." Director, RDRS Rangpur

> "I don't have time to talk about rights. If you want to give me something, go ahead. Otherwise I have work." Karim, Nilfamari

92. Many RDRS members bring a richness of experience in combating social injustice to exploring and applying rights based perspective on development. These members feel that building on their past and challenging themselves to improve their work at multiple levels to alter power structures that fail people living in poverty – that violate their human rights – can bring valuable progress towards human rights based development. Unlike BRAC, RDRS has an organisational commitment to human rights expressed in policy. Some staff at headquarters in Rangpur has a clear understanding and commitment to rights based action. However, I have also found that the staff may have several different interpretations of rights based work.

93. In RDRS, not all staff is aware of the differences rights can make to their work practices, and some are not clear as to the concept. Some managers and staff remain to be convinced of the difference rights can make: "Rights are basically fancy terms. After all, you don't hear about poor starving villagers talking about rights if they don't have food in their bellies, do you?" commented Dileep Kumar Ghosh, one of the program officers in Dinajpur. One of the reasons for this is said to be that RDRS management systems and procedures are still largely untouched by rights. Human rights based evaluations of interventions concerning the right to health, the right to education etc are in their infancy, including in the monitoring and evaluation system for Multi-Annual Programming with Development Co-operation Norway (which is the mother country of RDRS).

94. Thus, the evidence-base for showing the difference rights makes has not yet been systematically sought. Those results are therefore not available to raise awareness among staff and partners. Internal promoters of rights within RDRS can be rather isolated internally at this stage of the organisation's progress, ever since RDRS stopped being a mainly service delivery organisation in 1984, in providing flood relief and shelter and bringing up the country after the Liberation War. Some are working to help move their organisation to pilot test rights based evaluations etc and to ensure in time that all stages of the programme cycle are viewed through a human rights 'lens'.

95. The reasons given for some members edging towards a full commitment to human rights vary among the individuals. For some, it is the 'natural historical progression of our thinking'. For others it is the effect of the growth of commitment to human rights in the international operating environment (namely NORAD which decides on the funding of RDRS), recognising the fact that other major development actors are publicly discussing and increasingly incorporating rights language and principles into their work. Upper management people and policy makers increasingly fear of "being labelled as a dinosaur" if the language of rights is not incorporated in their working language

96. From analysing these two organisations, it is clear that rights based perceptions to development is increasingly gaining momentum. However, it is also clear that rights based development remains in many cases a matter of individual interest and commitment – whether or not the organisation has an explicit rights based policy commitment. But even if there is a policy commitment, it can be interpreted in inconsistent ways within the same NGO.

BRAC Advocacy and Human Rights: Strange Bedfellows?

97. BRAC's Advocacy and Human Rights Unit was opened in May 2002 and offers a participatory, community-led social communications programme that acts to influence social change around issues affecting the ultra poor in Bangladesh. A complement to the activities of BRAC's Challenging the Frontiers of Poverty Reduction/Targeting the Ultra Poor Programme (CFPR/TUP), the social communications programme addresses ultra poor issues at the community level through three primary communication activities: popular theatre, video and audiocassette.

98. Communication however is only part of a total package and BRAC Advocacy does not believe that behaviour change will be achieved through communication activities alone. BRAC Advocacy is basically enabling activities which help in delivering services and facilitating better demand and supply as well as creating an environment which will make society more interested in supporting the project activities, developing a stake in protecting them and ultimately becoming partners in social change. Thus even though BRAC Advocacy Unit has been set up to meet the project and corporate needs of BRAC, it goes much beyond policies and focuses on ensuring changes at all levels. Thus it's also about policy, organisations and practices that can roughly be translated into state, social and individual behaviour changes.

99. Prior to the Advocacy Unit being set up, BRAC's Service delivery approach could be characterised as the approach to community development that addresses actions directly related to immediate causes of maldevelopment. BRAC is used to providing a usually structured set of services to defined beneficiaries. BRAC service delivery is most often sectoral, e.g. health, education, agriculture, other -and per-se tends not to be very sustainable.

100. In this respect, the BRAC CFPR-TUP project is very significant because it is based dominantly on social participation. One would think there is conflict between service delivery and rights based action but BRAC has made it patent that there can be no development without service delivery. For BRAC, rights are a service that needs to be delivered. The debate is on the process of delivery and if that delivery is based on the notion of charity or entitlement/rights.

101. BRAC Advocacy conceptualises rights as a political product and they are more visible when such activities are in transaction with the state. However, for the poor and the extremely poor, the state is far away and many are not even aware of their rights whether social or economic. They not only make no demands on any kinds of services but also cannot access what has already been promised to them by the government. BRAC Advocacy sees social communication regarding accessing resources as a rights based intervention is the key. Thus, the BRAC Advocacy strategy is to link the poor as well as the less poor who are energised through communication opportunities to the chain of local government. This implies strengthening both the demand generation capacity of the service seekers and facilitators but also the supply providing capacity of the duty bearers and service providers. It focuses on individuals, social forces, and institutions both formal and informal to be joined together by common goals and objectives and delivery concerns.

102. Another social mobilisation strategy is to prepare the assisting forces of the official world through inter-activity. Lack of this aspect prevents the said forces to act positively as they are either left out of this process or because they have no interest in this matter. This initiative envisages that the government at the district and national level will be involved to provide the ballast that will be operational at the micro level. The strategy is that instead of advocacy at the national; or district level, the official world becomes an activated stakeholder to provide support to pro-poor activities that are already in operation at all levels. The conceptual objective of BRAC Advocacy is therefore to put all the institutions whether administrative, local government

or social into one common stream. The operational objective is to generate demand for already available services and enhance access to them through social mobilisation activities. In the process, each of the three sectors will be strengthened. And access for poor and ultra poor women and children will be standardised from the official and the social service world.

103. As mentioned before BRAC considers all development as about delivery but in most cases the nature of deliveries is decided beforehand through needs assessment. Thus, for BRAC, rights and deliveries are not only reconcilable but also integral. So the key question that BRAC Advocacy tries to answer is if rights are deliveries or not. BRAC's answer to that question is yes; rights too are deliveries because rights are essential for access. So in a rights-based organisation, accessing facilitating tools for services including say right to health or education is a delivery. As Afsan Chowdhury, Director of BRAC Advocacy opines," NGOs world-wide often think that rights based approaches means raising a humdrum and protest meetings and speeches and etc. If anything this construction of rights based work is privilege based. The privilege of the development brokers who construct what the poor will need. This is a classical example of radical type NGOs who fail to deliver results for the poor and end up making them more vulnerable." Thus, to Afsan Chowdhury, and to BRAC as a whole, working with rights means when the person who has the right to improve decides and can decide what he wants and how he wants. There are of course several constraints to this but as long as people can move on the track in a critical path BRAC can say that it is rights based.

104. The key problem that BRAC Advocacy faces, however, is the weakness of the monitoring and evaluation mechanism for rights based projects. Some within BRAC confuse legal aid and advocacy as rights based work. But Afsan sees things pretty clearly: "This confusion is more with development agencies because they are fulfilling rights in the same way as they did with top down ones. Neither social protest nor macro level driven delivery is rights based. What it is, is to take the right to development from a concept driven by BRAC to a process developed as part of a participation which is led by those who are receiving the deliveries." Thus, any advocacy that is not linked to a programme would be useless advocacy and people should refuse to participate in such projects. In this way, BRAC Advocacy is very clear that advocacy and human rights is about "changing situations" and to do so they certainly need to emerge out of programmes. Afsan elaborates: "Most human rights units in Bangladesh are not really so because they don't have the technical skills to design such a programme or see advocacy for anything as talk and write. They have no indicators and they therefore decide to go for awareness, which wastes huge money. These programmes can't be measured but always provide the illusion of action and so are inherently going to go on. Despite their vagueness people think rallies, posters, workshops change people. There is no evidence that they do so. The changing strategy if developed within a framework of programme at least provides concrete support to a initiative."

105. The BRAC Advocacy Unit is thus a good example of how human rights and service delivery butt heads and yet live comfortably with each other. This is partly because BRAC has been allowed to work relatively peacefully by the government and BRAC and has been able to redefine rights in conjunction with its service delivery components as discussed earlier. In many ways, BRAC has also gone beyond the NGO stage and is considered by many as the ideal alternative model of the state. In other words, it has entered the very logic of national governance through its size. By reaching 10 million + people through its micro-finance program and another 10 million through other projects and about 80 million through its TB programme, the logic of macro governance has set in and this has allowed the easy alliance between rights and service delivery to set in on its own terms

POVERTY, DEVELOPMENT AND RIGHTS: THE BANGLADESH SCENARIO

> "We already have rights in our mandate. They were written down by specialists from Europe a long time ago." Director, RDRS Rangpur

> "In the revival of rights-based ethics in recent decades, rights have often been seen in deontological terms, taking the form of constraints that others simply must obey." Amartya Sen

106. In the above analysis we have thus far avoided talking of rights-based organisations like Ain O Salish Kendra (ASK) or Bangladesh Legal Aid Services Trust (BLAST) and others like them. This has not been so deliberate as situational and has to do with the way we have tried to frame our question. Rights based organisations, some of which have existed in Bangladesh from about the same time as the service delivery organisations, have had an illustrious history with regard to fighting civil liberties issues, which often indirectly affected developmental issues like the right to housing for slum evictees. But the point to make here is that the arena in which most of these rights based organisations addressed themselves was in the realms of political and civil rights and not so much directly with social, economic and cultural rights. Their connection to development has been in helping to create an enabling environment of governance, transparency and accountability through which the poor and disadvantaged may gain access to services owed to them by the state. In this sense rights as it traditionally exists in Bangladesh is manifested as a politico-legal regime. In contrast the tradition of need-based development in Bangladesh through services delivery organisations have been conceived as somewhat apolitical and related directly to peoples needs and choices. True that this relation has not always been successfully established either by the state or by NGOs, but an effort is continuously taking place using an array of techniques such as focus group discussion, PRA methods, PAR to help assess and articulate needs at the grassroots. The rights-based approach in recent decades have intervened in this arena with the claim that rights can be instrumental in meeting development needs of the people through advocacy. This is where several questions can be raised.

- A large part of developmentalist thinking have gone into how to make development strategies sensitive to the poor and disadvantaged i.e. sensitising macro policies to micro-realities. How much of this is shared by contemporary advocates of rights? How should policy advocates gear themselves to the particular reality of poor groups as opposed to the universality of their rights?

- Although it was mentioned that in many cases women's rights made way for the recent rights based approach in international and national arena, in practice this has often led to the suppression of women's rights in favour of human rights. Local NGOs have often been known to say that addressing human rights should be adequate enough to cover women's issues.

- Women's rights activists have also been known to share scepticism regarding the new approach. It was never meant to overtake service delivery functions of many local NGOs. But since many local NGOs are dependent on foreign funding and are having to take up the rights based approach as a condition for funding. They are found to be busy doing workshops and training programmes rather than going to the field and assessing needs of the people. So in a way by a quirk of fate, the rights based approach in practice has also become a top-down affair.

- Indigenous people of Bangladesh should have been the most elated with the advent of the new approach, especially as it should have satisfied their needs to fight for their cultural and economic rights to land and their tradition. However to their dismay, they find that the organisations they turn to are not equipped to handle such issues in any meaningful new ways. Organisations such as Amnesty International, which have been frontline in addressing issues of civil and political rights, have shown their interest in launching into the social and economic rights field. But how would that be possible

without a reinvention of the organisation itself and discovering new mechanism through which to address these issues rather than the usual processes of adjudication, litigation and advocacy, training and awareness building. This would be true for any national level rights based organisation as well.

107. All this indicates that if one has to make the rights based interventions in development successful one has to come up with innovative mechanisms and ways in which to reach the poorest of the poor. Perhaps it is time that the rights defenders start taking a leaf out of the developmentalists' book. To quote Amartya Sen again, … " I would like to argue that the deep questions raised by both the ethics-related view of motivation and social achievement must find an important place in modern economics, but at the same time it is impossible to deny that the engineering approach has much to offer to economics as well." (Sen, 1987)

Conclusion

108. Achieving a rights based system within any organisation is a process, not an event. The de-mystifying of international human rights standards and incorporating it within existing delivery framework takes time. They need to be accessible (e.g. in participatory programming tools, guidelines, benchmarks, indicators) to those responsible for the 'supply' of human rights – as well as to those whose role is to 'demand' positive change. The key to the full integration of human rights is to start, often with human rights impact assessments - and to consciously learn from that experience. There are immediate opportunities to take steps in this process, and allies who can be identified within respective organisations and outside it. The cost of developing and enhancing human rights based solutions can be reduced and synergies gained by pooling knowledge with like-minded actors at various levels, including the State. Some specific strategies might include:

- Specific planning for a multi-year strategy (3-5 years) with periodic reviews of relevance, effectiveness, efficiency, impact, and sustainability of the options chosen. First phase of implementation would include developing baseline data for future assessment of impact.
- An optimum framework should be worked out whereby the quality and donor-independence of service delivery can be ensured by minimising competition between organisations, which are at the same time addressing rights-based issues in the same community. There may be economies of scale and greater impact if there is a single framework for delivery. Thus, in our study, BRAC and RDRS should work together to work out their North Bengal rights based strategy so as not to have overlapping responsibilities. Alternatively, there may be advantages in several 'service delivery' partners being identified who would deliver disparate elements that would complement each other.
- Opportunities may arise for building on similar relevant initiatives, or identifying lessons from them. Examples include BRAC Advocacy Unit sharing lessons with RDRS Rights Commission which is set to start working from the end of this year, or by sharing with some international NGOs (e.g. Rights for Humanity; Australian Council on Human Rights; Centre on Housing Rights and Evictions in Geneva).
- Opportunities may arise for local service delivery organisations to expand their services in phases to other rights-based international actors sharing similar needs (whether NGOs, inter-governmental agencies. For example a national service delivery organisation concerned with education could link up with an international NGO working within a compatible rights framework.

109. To effectively implement a rights-based approach will require context-specific answers to several questions concerning the relationships between violated communities and organisations that are

trying to help them. In order for certain marginalised communities to establish rights, organisations need to understand the indigenous mechanisms which people have for claiming their rights and whether such mechanisms are within the existing culture of their own organisational procedures like filing a case if it's a legal aid organisation or claiming micro-credit if it's a service delivery one. Thus, service delivery organisations can ask themselves what scope is there in the first place of empowering people to meet their own needs, and then of engaging them in more consultative and participatory approaches to service delivery. On the other hand, service delivery organisations can ask how far can donors strategize and their own mandate allow for the promotion of rights without dictating from outside the priorities of the community in question and giving expression to the actual problems that affect them.

110. Finally, it is necessary to realise that a rights based approach to development can only be an 'approach' to development and not a panacea for one, least of all for pro-poor development strategies The term 'needs' coming as it does from developmental psychology has long been used to address discourses of poverty and has been effectively employed by service delivery organisations in their poverty reduction strategies. Rights construe poverty as an issue of social justice and thereby imbue poverty reduction strategies with a moral fervour, a characteristic with which most modern day nation states will feel uncomfortable. It also assumes the existence of a politico legal regime which poor people should be able to access even for the daily satisfaction of their needs like food, water, and health. When looking at some of the most marginalised and vulnerable sections of the people in Bangladesh like the Nomadic 'Bedays' or river gypsies or the Rishis or leather-workers considered to be socially outcaste, it is easy to understand why they would first and foremost prefer organisations which would be able to meet their needs. However, the fact that they often don't creates the necessity to appeal to some higher authorities, which would exert some pressure on their behalf. But the gap between existing rights based organisations and the needs of such marginalised communities still loom large. They do not share the same language. Communities such as these would sooner see their needs fulfilled than litigate for the right to have them fulfilled. To quote again a project beneficiary from Northern Bangladesh, "I don't have time to talk about rights. If you want to give me something, go ahead. Otherwise I have work." More specifically, addressing social economic and cultural rights assumes a flexibility and cultural sensitivity, which is not always embedded in a moral framework. There is therefore a space where both rights-based and service delivery organisations can fruitfully learn from each other.

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12. Ms. Shireen Huq, Women rights activist and DANIDA, Dhaka
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14. Mr. Alaudin Ali, Director, USS, Nilfamari
15. Mr. Dipendra Sarker, Seva, Syedpur
16. Raja Devasish Roy, Chakma Chief, Rangamati
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