

An abstract painting with a dark blue background. There are several large, soft-edged shapes in yellow and red, some with green and purple accents. The overall effect is a textured, layered composition.

JUSTICE, EQUITY + SUSTAINABILITY

PROJECTIONS *volume 8*
MIT JOURNAL OF PLANNING

FOUNDER

Eryn Deeming

EDITORS

Isabelle Anguelovski

Anna Livia Brand

Rachel Healy

DESIGN + LAYOUT

Marissa Cheng

FACULTY ADVISOR

Lawrence J Vale

MIT JOURNAL OF PLANNING

EDITORIAL BOARD

Professor Julian Agyeman

Department of Urban and Environmental Policy and Planning, Tufts University

Professor Gianpaolo Baiocchi

Department of Sociology, Brown University

Professor Marcel Bursztyn

Kennedy School of Government, Sustainability Science Program, Harvard University

Professor JoAnn Carmin

Department of Urban Studies and Planning, MIT

Professor Susan S. Fainstein

Graduate School of Design, Harvard University

Professor John Forester

Department of City and Regional Planning, Cornell University

Professor Susan Holcombe

The Heller School for Social Policy and Management, Brandeis University

Professor Peter Marcuse

Graduate School of Architecture, Planning, and Preservation, Columbia University

Professor David Pellow

Department of Sociology, University of Minnesota

Professor J. Phillip Thompson

Department of Urban Studies and Planning, MIT

PROJECTIONS *volume 8*

JUSTICE, EQUITY + SUSTAINABILITY

(c) 2008 MIT DEPARTMENT OF URBAN STUDIES + PLANNING

All rights reserved. No part of this journal may be reproduced in any form by any electronic or mechanical means without prior written permission from the publisher.

TEXT SET Univers 57 Condensed, Univers 47 Condensed. Digitally published using Adobe InDesign. Printed and bound in the United States of America by Sherman Printing, Canton, MA.

COVER IMAGE "Untitled" Rebuilding Series, mixed media on wood. Painting + image, Anna Livia Brand.

Amy Lint

ADDRESSING NEEDS AS RIGHTS : IMPLEMENTING A RIGHTS-BASED APPROACH TO DEVELOPMENT IN CAMBODIA

ABSTRACT

Implementing a rights-based approach to development in the Global South requires tackling deeply-structured issues of power, inequality, and justice. In the past, this focus has not been central in development models and in the practice of development agencies. To understand what rights-based development programming in the field entails in practice, this paper examines the Mekong Community Rights Project. Empowering affected people to claim their own rights and manage their own lives translates to much more than only agreeing upon international human rights laws, standards, and treaties. In addition, it requires a substantial change in development program implementation and organizational design. Practically speaking, advocacy efforts are needed together with grassroots mobilization and alliance building, amplifying the voice of affected people, and applying pressure at multiple levels. This will create the circumstances necessary for equitable development and social justice for all.

Rights-Based Approaches : Theory vs. Practice

Early development programming is rooted in the notion that poverty stems from a lack of public goods or technical knowledge. For 50 years, international development has focused on better managing public welfare and social goods, without questioning the core of this approach (Offenheiser & Holcombe, 2003, p.270). Meanwhile, “the numbers of people living in poverty are increasing in many parts of the world, and hundreds of millions are trapped in conditions that pose long term dangers (Ibid, 2003).”

By 1986, the UN General Assembly adopted the Right to Development, which expanded the definition of poverty to mean much more than just low income. It now includes being affected by discrimination, lack of participatory opportunities, insufficient access to resources, and a disregard to human dignity (Wardenbach, 2004). With this understanding, in the last decade of poverty alleviation efforts, we have witnessed development organizations and UN bodies acknowledge the link between poverty and human rights. The World Conference on Human Rights held in Vienna in 1993 affirms this relation by stating “a person for whom a number of human rights remain unfilled --such as the right to food, health, education, information, participation, etc. -- is a poor person. Poverty is thus more than a lack of resources- it is the manifestation of exclusion and powerlessness.” (as cited in Ljungman, 2004, p.6).

More precisely, the failure to respect, protect, or fulfil human rights is a “fundamental and leading obstacle” to social justice and to securing sustainable livelihoods for poverty reduction (Rand & Watson, 2005, Foreward). Thus, the rights-based approach (RBA) has become the latest commitment pledged by the wider development community and this was set in motion by the creation of the Office of High Commission on Human Rights (OHCHR) in 1993, which is mandated by the UN General Assembly to mainstream human rights into all the UN's development programming. Efforts continued to spread when International Non-Governmental Organizations (INGOs) such as Save the Children, Oxfam International and CARE, and bilateral donors, including the UK, Denmark, Sweden, Norway, and Canada additionally agreed to adopt a rights-based approach to development. Additionally, even international financial organizations such as the World Bank have recognized and acknowledged human rights and its relation to it development work: In 1998, the Bank issued statements indicating “creating the conditions for the attainment of human rights is a central and irreducible goal of development” (World Bank, 1998).

For these agencies, moving towards a rights-based agenda has mostly consisted in defining norms, standards and principles of international human rights treaties. However, focusing exclusively on technical definitions and expert based initiatives will not be enough (Uvin, 2001, p.23). Adopting a rights-based agenda requires a commitment to addressing underlying root causes of poverty and identifying “key systemic obstacles that keep people from accessing opportunity and improving their own lives” (Center for Economic and Social Rights, 1995 as cited in Offenheiser & Holcombe, 2003, p.271). Attempting to remove “structural barriers that impede communities from exercising rights, building capabilities, and having the capacity to choose” (Offenheiser and Holcombe, 2003, p.271) will require a complete paradigm shift.

Furthermore, moving beyond distributing more social goods in an attempt to eradicate poverty requires a change in practice as well as substantial organizational changes. This begins with a mission in line with a vision of sustainability with justice and equality for all. Development agencies will need to examine how well their own policies align with what they envision for other actors to respect. Additionally, communities being assisted will need to understand their rights and claim them by

pressuring decision-makers to change policies, laws, and budget allocations. Mobilizing for demands to change resource allocation and establish systems of monitoring standards for accountability is needed, and, if necessary, use the courts to claim entitlements and achieve justice and equality (Theis, 2004, p.6). Practically speaking, today, the development community continues to struggle to understand what adopting a rights-based approach truly requires in terms of implementation and document field based examples that highlight this approach (Ibid, 2004).

In a country like Cambodia, complex development issues are exacerbated by an extensive history of human rights abuses, years of instability, and lack of civil society. Cambodia survived a four-year genocide by the Khmer Rouge from 1975-1979, when over one million people died as a direct result of the government's policies and actions (Chandler, 1993, p. 212). In the 1980s, Cambodia went through several transitional governments and, in the early nineties, after United Nations Transitional Authority of Cambodia (UNTAC) elections in 1993, a new constitution was drafted, promising market economics, parliamentary democracy, and respect for human rights. This paved the way for the entrance of international and national NGOs, which pledged to rebuild and develop the country. Money and technical advice poured in to improve degraded infrastructure, alleviate poverty, and allow for the development of a civil society.

However, today, several organizations, international and local, recognize that the road to recovery and poverty alleviation runs deeper than repairing failing infrastructure. Development practitioners in Cambodia are looking critically at how to effectively transform old relief approaches and act upon past failures by implementing a rights-based strategy to improving the situation. Several agencies have spearheaded this rights-based approach in Cambodia, including: four Oxfam International affiliates (all guided by the Oxfam International rights-based strategic plan), CARE, Save the Children, and their local partners which are now exploring how their programs can also address rights. Additionally, bilateral donor agencies, the UN and the World Bank all make some level of commitment to a RBA by mainstreaming human rights policies within their organizations and attached to various project funding.

A commitment to a rights-based approach is the first step towards addressing inequality in Cambodia, but have the new ideals changed anything in practice? Have they led to poverty being recognized as a massive human rights violation from which millions suffer? Have they resulted in bringing to account those who are responsible for the impoverishment of the rural poor? Has this commitment resulted in international agencies reallocating resources towards empowering victims of damming to exercise their collective power in support of their claims? What real difference has it made in the right to determine one's own future in Cambodia? In reality, the work towards eliminating structural causes for global poverty and creating justice for the poor villagers remains compromised because the human rights approach continues to be dominated by multiple ambiguous definitions interpreted and defined by each agencies own interests (Manji, 2006; Uvin, 2002). This paper highlights new initiatives towards addressing power imbalances and social injustice faced by people living in Northeast Cambodia by examining the Mekong Community Rights Project (MCRP) within the Environment Programme. In efforts to move beyond standard rights-based elements which are essentially top-down, and assumes "rights" can be given to people, rather than recognizing that people must be enabled to claim their rights, this case study highlights field-based examples that emphasize more effective and practical approaches towards achieving real change in power that leads to more sustainable, socially just change in the development field.

This paper is the result of a seven-month practicum working with the NGO Forum on Cambodia's (NGOF)

Mekong Community Rights Project within the Environment Programme in Phnom Penh, Cambodia during 2004-2005. Data was gathered by conducting participant observation and interviews with NGOs and donor organizations, and contributing to drafting national network advocacy strategies. Additionally, active participation and observation of the 3S Working Group (3SWG) network through attending regular meetings related to the current program and campaign provided the needed insight.

In the first section of this paper, I introduce the specific case of hydropower projects in Cambodia and the problems that have occurred with their construction, leading to using a rights approach. In the second section, I present the elements commonly described as part of a rights-based approach in the Mekong Community Rights Project. In the third section, I examine the efforts and challenges of the Mekong Community Rights Project to address factors of unequal power relations and exclusion that prevent local people from achieving environmental, social, and cultural sustainability. In the final section, I call for additional programming in development organizations, in ways that analyzes power, advocates for policy and practice change, builds alliances, and works at multiple levels to address development with sustainability in mind.

Rights Violations in Cambodia : The Case of Hydropower

In Cambodia, infrastructural development and particularly dam construction, funded by international donors, has violated the rights of large numbers of rural Cambodian farmers and fishermen. For instance, the \$1 billion Yali Falls hydropower project (HPP), built 80 kilometres upstream in Vietnam, has not offered development benefits of shared resources to communities downstream on the Se San River, and severely impacted the sustainability of peoples livelihoods. The pleas for assistance by those affected has led the NGO Forum on Cambodia, a national advocacy organization, to investigate these rights violations and understand how much people are unaware of their rights or how to claim them.

Precisely, the numerous international violations of rights and standards caused by large-scale hydropower projects (HPP) being constructed and proposed along the Mekong sub-region has been a growing issue. International finance institutions (IFIs), including the World Bank (WB) and the Asia Development Bank (ADB), as well as bilateral donors such as the Swedish and Nordic governments are financing enormous loans to Vietnam in efforts to serve the 'so-called' growing power market and to deliver cheaper electricity. The problems associated with these large-scale, non-participatory projects can be clearly seen in the case of the Yali Falls hydropower project. The Yali Falls project dammed the Se San River, one of the largest tributaries of the Mekong River. Tens of thousands of villagers traditionally depend on the area for fishing and small riverside farming for subsistence living (Rutkow, Crider, & Giannini, 2005, p.14). The impact on villagers became apparent in November 1993, during the construction phase of the dam.

In 1996, major flooding hit northeastern Cambodia, including Ratanakiri and Stung Treng Provinces. Villagers reported a coffer dam bursting and other signs emerged to show dam construction was affecting the river flow, even before the Yali Falls Dam reservoir was completed in 1998. Frequent dam releases caused massive sporadic surges of water to flood communities downstream. Several lives were lost and livestock, the main possessions of all real value, were drowned. Combined with river garden plots washed away and depleted fish stocks, food insecurity became a major issue. All water releases, spills, and surges caused by the dam caused indigenous ethnic minority people of this region to fear the river and its potential destruction. In early 2000, The Mekong River Commission

(MRC) Secretariat sent a mission to investigate after media had reported past deaths, damages caused, and vulnerability of people's livelihoods. These communities were offered no compensation and were unsure as to how to assist themselves in order to sustain their livelihoods.

In response, the NGO Forum on Cambodia, (NGOF) with support from Oxfam America, became involved in mobilizing efforts and building NGO cooperation towards advocacy on key development issues in order to support indigenous people who had been victims of the dam construction and advocate for their rights.

The Mekong Community Rights Project: Elements of a Rights-Based Approach

In the Mekong River Basin, the agencies responsible for managing the dam project have not followed "Best Practices," as defined by the World Commission on Dams. As a result, cultural, environmental, and socio-economical rights have been deteriorating rapidly. To support affected communities in demanding protection and restoration of river-based livelihoods in Northeast Cambodia the Mekong Community Rights Project (MCRP) was established within NGO Forum on Cambodia's Environment Program, shortly after community consultation in 1997. In this section, the elements of the commonly-agreed upon rights-based framework - links to the law, inclusion, participation, empowerment, and good governance- are defined.

Reference to International Treaties and National Laws, and Standards

The most agreed upon element by the development community for utilizing the rights-based approach is linked to standards, policies, or rights a state commits to, yet does not respect, protect, or fulfil as mandated. The Yali Falls Dam has clearly caused severe rights violations against the Cambodian people, if we consider the multiple obligations of Cambodian and Vietnamese governments to its citizens. These obligations range from international law and human rights agreements, cross-boundary agreements, and national standards which include:

1. The Mekong Agreement of 1995 -- a regional multilateral treaty between lower Mekong countries enforced by The Mekong River Commission (MRC).
2. International environmental law stemming from the Stockholm Conference in 1972 and, more recently, the 1992 United Nations Conference on Environment and Development
3. International treaties including the International Covenant on Civil and Political Rights (ICCPR) and International Convention on Economic Social and Cultural Rights (ICESCR)
4. World Commission on Dams (WCD) International Standards

In April 2000, the Vietnamese government publicly announced that the Yali Falls Dam had been releasing dammed water, causing floods and surges; yet it did this without notification to Cambodian downstream communities. Vietnam accepted accountability for five deaths, though estimates by villagers state that several dozen had died (Rutkow, Crider, & Giannini, 2005, p. 63). Releasing of water without notification is a violation in terms of the Mekong Agreement, and, although Vietnam made attempts to issue a notification system in the spring of 2000, all releases before then are in violation.

The Environmental Impact Assessment (EIA), designed to expose any potential environmental and socio-cultural risks and possible mitigation measures, is an essential document for making sound

decisions and incorporating environmental sustainability as well as equity in the planning process. However, the EIA that Vietnam commissioned for the Yali Falls dam considered only eight kilometres downstream. Additionally, the Cambodian government has not taken significant action in response to the harms produced by Vietnamese dams. The MRC has a commitment to “make every effort to resolve the issue,” (Ibid, p.67) yet the Yali Falls issue has largely been ignored and no discussion has been initiated.

Cambodia and Vietnam are signatories to the ICCPR and ICESCR, which state clear obligations towards the people of their states. Although Cambodia did not play a role in the construction or operation process of the dams, the government bears the responsibility for protecting its people. With regards to the ICESCR, the Cambodian government has the obligation to protect, respect, and fulfil the rights of its citizens under Article 11 which emphasizes the right to food. This has clearly been violated as the villagers’ food security comes solely from the fish obtained from the river and that the dam project prevents local people from achieving sustainable livelihoods. Much needed efforts to remedy the harms suffered in these communities are required to bring Cambodia in compliance with ICESCR rights to food, water, and livelihood (Ibid, p.82).

The World Commission on Dams (WCD), created from efforts of an IUCN and WB workshop, developed internationally acceptable criteria, guidelines and standards, where appropriate, for the planning, design, construction, operation, monitoring, and decommissioning of dams” (WCD, 2000). International standards were created listing strategic priorities and guidelines for equitable and sustainable development of water and energy resources (Ibid, p. 278). The Yali Falls dam violations and many of the other upcoming 3S dams have not been in compliance with important guidelines actually developed by some of the same agencies funding the projects.

Inclusion, Non-Discrimination and Attention to Marginalized Groups

As a standard element of the rights-based approach in theory, particular efforts are made to identify and reach those who are most vulnerable (Theis, 2006, p.5). In Cambodia, 90 percent of the general population is ethnic Khmer (Swift, 2006, p.10). In contrast, the communities dependent on the Northeast Cambodian Rivers for their livelihoods and food sources are not the Khmer ethnic majority. Villages in Ratanakiri are comprised of several minority groups and indigenous peoples that include Lao, Brou, Kreung, Kachok, Jarai, Tampuan, Kavet, and Chinese. Ethnic minorities in Cambodia continue to suffer great injustices. Physically separated, Ratanakiri province is over 300kms from the capital city, and is approximately 14 hours by bus on roads that are often impassable during the rainy season. This creates economic barriers as trade of goods and supplies remains difficult and expensive. Additionally, numerous NGOs work on health and education issues because the standards are far below the national level (Middleborg, 2005, p. 7).

The Mekong Community Rights project is addressing discrimination and seeking to support ethnic minority populations that do not live in decent conditions. Despite this, the negative effects of dams mushrooming all over the entire country is leading the national network to look at a broader picture of “dam control,” which may not necessarily address communities most vulnerable. Therefore, it is important when developing new rights programming, that a proper analysis is done with consideration of seeking those who are most marginalized and putting them at the forefront.

Participation

Active, free, and meaningful participation is essential in development programming because it serves as a basic requirement of the rights approach (UNHCHR, 1996). Participation includes control of

planning, process, outcome, and evaluation (Hamm, 2001, p.1019). Within the Mekong Community Rights Project, putting affected communities at the center of participation has proved to be challenging and there is no certainty that NGO staff understand this concept well or even would want such a change in their programming structure. This has not been the current method of operation, thus major transitions and new strategies by NGOs involved are required.

The main activities of the MCRP project concentrate on actively engaging the 3S Rivers Working Group (3SWG) network, consisting of over ten different member organizations represented. Efforts at widening this circle of organizations have been discussed due to its limitation to only representation by NGO staff, one University professor, but no community members. The recently drafted Terms of Reference (TOR) of the 3SWG expands membership to all civil society members, although the TOR has not yet been approved by members, nor has any promotion been done to recruit different members. One local network member organization, 3S Protection Network (3SPN) does make efforts to meet with community representatives regularly to inform them of activities happening within the national level strategy, but this dialogue remains dominated by a top-down, one-way communication process consisting of informing the community rather than giving them the opportunity to voice their concerns to the national level. Having people at the center of their own development will be a process requiring gradual increases in responsibilities and opportunities and the NGO staff will need to be ready to engage in this process.

The 3SWG network within the Mekong Community Rights Project has proved far better at advocating for community participation and civil society involvement in the larger development sphere than being able to recognize the importance of affected people being the drivers of their own development activities. Such was the case of the January 12th 2006 stakeholders meeting regarding an upcoming dam project on the Sre Pok River. Because civil society had not been given the official Sre Pok River EIA or much opportunity to comment on its contents, the network lobbied the funders, the Swedish Agency for Development (SIDA) and the Norwegian Agency for Development (NORAD), for a participatory meeting as required by several WCD best practice guidelines. After several months of letter writing and demands by network members, SIDA and NORAD agreed to fund such a meeting in Phnom Penh, but they were not the organizers of the event. The actual organizing was done by the recipients of the Nordic governments' development aid, Electricity of Vietnam (EVN) and coordination assistance from the CNMC and VNMC, representing the government agencies.¹ With the support of the national 3SWG network, twenty community members, ten from each province, were able to engage in meaningful participation at a very high level stakeholder meeting discussing the impacts of their own villages and water resources.

Empowerment

Specific instances highlighting empowerment can be recognized in the work in the Mekong Community Rights Project. At the Sre Pok stakeholder meeting, mentioned above, community members wrote a petition in order to collectively voice their concerns and presented it at the workshop for all participants. Furthermore, despite intimidating conditions at the workshop, several community members stood up amongst the 150 participants, to raise comments and concerns with relevant authorities.² The community was able to do this thanks to a two-day EIA training held for community members.

Additional programming made by provincial NGO organizations highlighted effective ways to empower community members as part of their rights-based approach which includes: opportunities for community exchange visits, community-based research, short documentary videos of community members telling

their personal life story, and a dam fighters educational guide written in the national language to be distributed to community members. The process of “giving people the power, capabilities, and access needed to change their own lives, or improve their own communities and influence their own destinies” (UNHCHR, 1996), is a challenging task at hand requiring a complete shift in adopting programming mentioned above with empowerment at the core of a rights- approach.

Good Governance and Accountability

As illustrated, more than enough written commitments exist for the obligations upon which responsible actors have agreed. The Mekong Community Rights Project seeks to hold the multiple stakeholders accountable for their obligations to affected communities. Holding the government, and specifically the Cambodian National Mekong Committee, (CNMC) accountable for their obligations regarding water resource use has proved challenging and requires various methods and actors applying consistent and long-term pressure on decision-makers. Government officials show little respect for dialogue with indigenous community minorities and rarely respond to requests for communication by the national network, 3SWG. Despite current challenges, persistent efforts are being made by 3SWG members to engage high ranking authoritative government officials. Negotiation for a Memorandum of Understanding (MOU) is considered a first step in cultivating the relationship between civil society and relevant government authorities and is slowly underway.

Actively engaging the full range of relevant and responsible actors is essential in a rights-based approach. Within the MCRP, bilateral donors have been identified as key players with responsibility for upholding rights-based commitments and only result in merely rhetoric when NORAD and SIDA’s own human rights policies are ignored. These specific donors are responsible for several upcoming hydropower projects implemented by Electricity of Vietnam, which is state-owned and controlled. No human rights assessment or analysis, such as the guiding framework by NORAD, has been shared with community members.

Does a Rights based Approach Make a Difference? The Added Value of the Mekong Community Rights Project

In addition to the commonly agreed framework for implementing a rights-based approach, the MCRP believes that bold new approaches are needed in order to address how rights will be claimed and to make lasting change in the lives of the Cambodian poor. Addressing power inequalities is at this core of the approach and specific strategies include understanding and analyzing power, advocacy, alliance building, and working at local, state, and national and international levels.

Power Analysis

Power relations exist at all levels of development, even when unintended or unwanted. Different tools have been developed to map out these existing power relationships, to understand them better, and analyze the complex web of interactions and multi dimensions of power. In the case of the Mekong Community Rights Project, donors and International Non-Governmental Organizations (INGOS) recognize the importance of understanding the power outside in tentional development agencies hold. Yet, efforts to build the capacity of national level partners to understand and analyze power structures, have not been tackled. In 2007, the donor organization Oxfam America facilitated a participatory two-day strategic action plan workshop for members of the national 3SWG network. The results were meant to guide network members in formulating their national action plan for the year, although it is questionable how much the members of the 3SWG were able to influence the national action plan.

Findings were heavily influenced by the donor's (Oxfam America) strategic interests and the outcomes identified were most often those already determined by the donor's headquarters staff. This important exercise was not formally documented for further reference and explanation to guide new members, beyond poster sheets of the activity and a few photos taken, implying it has little future relevance to those who just underwent the exercise. Additionally, a power analysis through the lens of the community has not yet been done or prioritized.

Despite this less than perfect attempt, the 3SWG network should be recognized for its initial first steps to identify and address power as the underlying cause of rights' violations. This is significant because it goes beyond the limited legal emphasis that other organizations hold central to the rights-based approach. The power analysis undertaken by the 3SWG as part of the action plan workshop proved to find IFIs, government, and donors appropriate targets for their advocacy efforts. Frustratingly enough, efforts towards this were again reshuffled by the hands of the donor. On the basis of a separate contextual analysis determined by the Oxfam International sister organizations working in the Mekong region, the donor told the 3SWG that new strategies should target foreign investors.³ How Oxfam's new target approach will now be incorporated into the national action by the 3SWG network members is still to be determined.

The ability of the Mekong Community Rights Project to begin thinking about analyzing power is a step in the right direction, but a deeper ongoing comprehensive analysis done by all relevant stakeholders is long overdue. This scenario provides several valuable opportunities to achieve more inclusive practices, involving the full range of people who will be included in advocating for their rights. This is important for three main reasons: a) to ensure more dynamism and depth to the discussion (different people will add new information and perspectives); b) to make the exercise part of the empowerment process; and c) to build, from the start, democratic ownership of the advocacy strategy (Chapman et al., 2005a, p. 56).

Advocacy for Sustainable Change Policy

The rights-based approach takes empowerment a step further in aiming not only for the ability to sustain oneself, but also for the additional capacity to influence public policies and make claims in defense of one's rights (Rand & Watson, 2005, Jochnick, 2002, p.21).

This is done through advocacy, which "is the art of influence and changing power structures and decision-making systems" (Chapman et al, 2005a, p.21). In Cambodia, advocacy is a relatively new, not deeply understood, and literally translates to "struggle for an idea," which creates a slightly controversial meaning (Mansfield & MacLeod, 2003). Thus local activists engaging in advocacy are often subjected to various threats or even become victims of violence. Nonetheless, Cambodian nationals are boldly taking steps towards this change. In the case of the MCRP, the MRC, multilateral donors and other agencies have actually created policies that should protect the rights of people affected by dam construction and that clearly indicate a trans-boundary commitment to effective water governance policies, but the policies are not adequately implemented.

The network has built a growing relationship with mass media⁴ to raise awareness on these policies, share current information, and to report abuses of power throughout the country. Numerous articles have been published in 2007 specifically highlighting the controversial dam developments. As part of the advocacy strategy, visits by outsiders, such as government officials, journalists, and donors to local communities, is a priority in the MCRP budget for two different outcomes. The first includes cultivating the relationship and dialogue with decision makers in order to expose policy flaws to those who are in position of power and can lobby for change. Secondly, journalists and media specialists are

welcomed and encouraged to publish stories that raise public awareness of ongoing investigations of dam project potential problems faced by communities.

Alliance Building

An alliance of several NGOs can have a dramatic effect on building voice, diffusing risk, and bringing different skills sets to the campaign, as well as leverage information about issues that would otherwise not be accessible (Chapman, 2005a, p.94).

The 3SWG network members are committed to ensuring that existing and future hydropower dam projects respect the rights of affected people and ensure the sustainability of the environment and livelihoods. The process to achieve these objectives requires public participation in the planning and decision-making process in order to guarantee that the interests, needs, and benefits of affected people are included as well as addressed. As a network of several members consisting mostly of national organizations, the 3SWG does have two international agencies that are normally present, including the funder of the project. The alliance of organizations forming the network tackles several controversial activities including enabling people to better understand their rights; influence policy makers; build capacity of activists; enhance communication between actors; and develop new methodologies, tools and resources. However, there is much space for improvement within the 3SWG alliances. The level of experience varies dramatically within the network and several members need further training in order to better balance each alliance member's power and influence. Furthermore, decisions made by the unity of these alliances often require top-level management commitment and decision-making from organizational heads who are often too busy to fulfil the commitment.

Working at Multiple Levels

As demonstrated by the rights violations of communities affected by dams, "global economic and political factors are entrenching poverty and inequality and reducing the agency of citizens to influence the processes that affect their lives" (Eyben, Harris, & Pettit, 2006, p. 1). Various actors are responsible for the violations and can be influenced in different ways, which makes working at multiple levels, including local, national, and international, within an advocacy strategy necessary. By helping forge links of solidarity among affected communities, NGO Forum, Oxfam America, and others at multiple levels will contribute to a better understanding of relationships between citizens and government, and within global and national institutions – in efforts towards effectively changing them.

Efforts at the local level are spearheaded by two provincial organizations, the 3S Protection Network, (3SPN) and the Cultural, Environment, Protection Association (CEPA). Both are responsible for working with communities affected or potentially affected by poor river basin management and damming issues. CEPA and 3SPN have developed different approaches during their participation in damming issues over the past five years. CEPA has only recently tried to incorporate more advocacy and rights awareness into their more traditional water resources management programming, whereas 3SPN was formed as a specific response to address critical damming issues. NGO Forum plays a critical role coordinating partners and influencing national level actors.

At the international level, small, but powerful advocacy activities are taking place and new efforts are being made to strengthen regionally-based work that involves all Mekong basin countries. Several international advisors from INGOs in Canada, Japan, Thailand, and Philippines have made a commitment to assist by providing technical assistance and capacity building, regional and international exchange

and updates of information, and provide additional ways for pressure to be exerted on some of the various actors responsible for continual injustices towards indigenous people.

The close relationship with international media sources in the Nordic countries is a good example of the importance of multi-level interventions. Reporters of *Development Today*, a Norway-based magazine, regularly receive controversial news stories from remote villages not easily reached, such as rural Northeast Cambodia, and, in response, publishes news articles to expose Nordic citizens to their governments foreign aid spending not otherwise accounted for.

In sum, the Mekong Community Rights Project is on course for leading development projects focusing on root causes and making structural change. Despite several challenges, MCRP is making important efforts to address factors of unequal power relations and exclusion that prevent local people from achieving environmental, social, and cultural sustainability.

Rights-Based Approaches: The Way Forward

Adding human rights language to programming priorities is the first step in recognizing the importance of equity and justice in sustainable development. Yet, as the case study on the Mekong Community Rights Project concludes, there are profound concerns that the new language may be accepted without the shift in ideology and programming needed. To achieve equity, justice, and freedom from want for the rural poor in Cambodia, there remains more to be attempted and then re-ected upon from field-based programming. Most importantly, “There is a real need to gain a “deeper understanding of poverty and exclusion on a global scale” and then change the focus of strategy in a manner that moves beyond empty rhetoric (Offenheiser & Holcombe 2003, p.295). This includes programming in development agencies that recognizes power relations, puts people at the centre of struggle for claiming their rights, as well as internalizing the rights-based approach in their own work and relations.

Address the Real Issues- Power and Inequality

Globally, widespread poverty, marginalization, and gross violation of human rights is the result of uneven concentration of power that works to privilege some people while oppressing many others (Chapman et al. 2005a, p.19). Power must be recognized in its full multidimensional complexity, existing at multiple levels, in order to be used to the advantage of social change. Power can be exercised by preventing grievances - by shaping perceptions, cognitions, and preferences in such a way as to secure the acceptance of the status quo since no alternative appears to exist (Lukes, 2005). Through a rights-based approach, practitioners are obligated to address critical questions regarding “matters of power and politics, exclusion and discrimination, structure and policy, and the systems of thought and practice that justify them” (Uvin, 2004, p.3). Unraveling these intricate more hidden levels of power and the compelling attention it deserves by the numerous actors at play has largely been ignored (Uvin, p.4). In the few instances where power is considered, it is only seen from a one directional view, consisting of a win-lose relationship that is a struggle between the all good, righteous social movements and the evil, villains that hold all the power (Ibid, p.4).

Organizations are challenged to create new ways to redistribute power, which can start with a good look internally at their own role in handing over power. As Chapman et al. (2005a) rightfully points out, the “primary role of development NGOs and donors shifts from being implementers and drivers of development to being allies and fellow partners... in a collective struggle for change, including sharing and negotiating power in new ways” (p.14). Once power is better understood at various levels, the

process of mapping power dynamics should be the fundamental starting point of designing advocacy strategies involving issues of poverty, inequality and injustice. Agencies who are attempting to take a rights approach need to prioritize skills in power analysis for staff who can then transfer this understanding to local level partners, who are the main players in this struggle.

People as the Drivers of Sustainable Development

As development agencies recognize power at play, they will be more equipped to develop strategies towards addressing it in various ways. Yet it is imperative to also consider who decides which issues are of most importance, who then carries these strategies out, on and using what approaches are used (Chapman et al. 2005a, p.13) As Offenheiser and Holcombe (2003) reaffirm, “a rights-based agenda will be meaningless if Southern partners and marginalized communities cannot speak in their own voice and act in their own behalf” (p.289). Advocacy for sustainable change under a rights agenda requires citizens’ activism and participation in the claiming of their rights. If we allow advocacy to become purely the domain of a professional elite of NGO policy experts - as well-intentioned and committed as they might be - it will become yet another dynamic that undermines the empowerment and leadership of the poor and marginalized (Chapman et al., 2005b, p. 10). Additionally, understanding the rights and policies affecting peoples’ lives and providing assistance with organizing and leadership development is needed.

Collective Action at Multiple Levels

The realization that people are being controlled by decisions made by institutions and organizations they have never encountered or been aware of is critical. Creating a web of action through efforts made at multiple levels is a necessary step towards redressing power inequalities and adopting a rights-based approach. The formation of a unified, yet diverse coalition can have a powerful effect in popularizing and vocalizing issues which in turn exerts pressure on responsible actors to see that justice is done.

In order to create momentum and power to address the organizations who have become the main decision makers responsible for violations of rights, networks are also needed. Networks or alliances are based on the assumption that together more can be done in order to be sure peoples concerns are amplified (Chapman, 2005a, p.94). A combination of the joint power of NGOs, community groups and donor organizations creates the stability and force for demanding justice. Rights-Based programs must seek to blend the different skills, perspectives, and strengths to create a collective powerful body demanding change (Chapman et al. 2005b, p. 10).

Conclusion

The rights-based approach gives development practitioners opportunity for developing equity, more sustainability in development, and creating social justice by facing the difficult question of unequal power relations. Development organizations need commitment to change, which begins from the very place they work everyday. This means supporting the voices of the poor and refraining from reproducing inequalities and social hierarchies. Development practitioners and their respective agencies must be accountable to network partners and communities. A rights-based approach enables this kind of accountability by encouraging partnerships with multidirectional communication, and sharing in decision making, planning and evaluation efforts of strategies.

Actors implementing a rights-based approach need to constantly ask if their programming is making steps towards enabling people to have freedom and capability to control their own lives and make

their own choices. If this is not occurring, practitioners must go back to the drawing board and further consider the implications of a rights-based approach. Only the process of recognizing, challenging and changing inequalities of power will lead to global and local sustainability and create conditions for all to obtain justice, equity, and human dignity rightfully deserved.

AUTHOR'S BIOGRAPHY

Amy C. Lint is currently a Community Development Coordinator with the International Rescue Committee in San Diego, CA. She received an MA in Sustainable International Development from Brandeis University and previously worked with grassroots projects in Southeast Asia and East Africa for almost five years.

[ENDNOTES]

1. The Cambodian National Mekong Committee (CNMC) is the lead national institution in Cambodia for advising the MRC and operates directly under the Royal Government of Cambodia. Members consist of heads of the various Ministries and assist and advise the latter in all matters relating to the formulation of water policy, strategy, management, preservation, investigation, planning, restoration and the development of the water and other related natural resources of the Mekong River Basin (<http://www.cnmc.gov>, 2006).
2. This meeting was held in the capital city, which most community participants rarely receive visit. Out of 150 representatives 20 community members were present. Several high ranking government officials from Cambodia and Vietnamese governments were facilitating this meeting.
3. This focus on private investors corresponds to the Oxfam's own strategic plan.
4. There are a few media sources available in Cambodia. Three main newspapers comprise the most popular and widely spread form of mass media in Cambodia.

REFERENCES

Chandler, D. (1993). *A history of Cambodia*. Bangkok: Westview Press.

Chapman, J., Pereira, A., Uprety, L., Okwaare, S., Azumah, V, Miller, V. (2005a). Section 1: Rights Based Approaches (p. 9-26). *Critical webs of power and change*. [Electronic Version] Action Aid International. Retrieved from <http://www.actionaid.org/main.aspx?pageId=283>

Chapman, J., Pereira, A., Uprety, L., Okwaare, S., Azumah, V, Miller, V. (2005b). *Action research on planning, assessing and learning in people-centered advocacy*. Summary of Learning (Working Paper #1). Action Aid International.

Eyben, R., Harris, C., & Pettit, J. (2006). Introduction: Exploring the power of change. *IDS Bulletin*, Vol.37, pp. 1-10. Retrieved on January 5, 2007 from <http://www.ids.ac.uk/ids/bookshop/bulletin/1Intro37.6.pdf>.

Hamm, B. I. (2001). A human rights approach to development. *Human Rights Quarterly*, 23 (4), John Hopkins University Press, p.1005-1031.

Lukes, S. (2005). *Power: A radical view*. New York: Palgrave Macmillan.

Manji, F. (2006) Reinventing development: New Spin on old story? [Electronic Version] September edition, *Alliance magazine*.

Mansfield, C., MacLeod, Kurt, Greenleaf, M., Alexander, P. (2003) *Advocacy handbook in Cambodia: Increasing democratic space*. Brickford, A., Monirith, L., Sophal, S., Sotha, R., Viraakbot, Y. (Ed.) Phnom Penh: PACT.

Middleberg, J. (2005). *Highland children's education project: A pilot project on bilingual education in Cambodia*. Bangkok: UNESCO.

Miller, V., VeneKlasen, L. Reilly, M. & Clark, C. (2006) *Making change happen: Power concepts for revisioning justice, equality, and peace*. Washington, D.C. Just Associates.

Norwegian Agency for Development Cooperation (2001): Handbook in Human Rights Assessment: *State obligations, awareness and empowerment*, Oslo: Norwegian Agency for Development Cooperation.

Offenheiser, R. & Holcombe, S. (2003). Challenges and opportunities in implementing a rights-based approach to development: An Oxfam America perspective. *Nonprofit & Voluntary Sector Quarterly* 32 (2), p. 268-301.

Rand, J., & Watson, G. (2005). *Rights-based approaches learning project*. USA: Oxfam America and Cooperative for

Assistance and Relief Everywhere.

Rutkow, E., Crider, C. & Giannini T. (2005) *Down river report: The consequences of Vietnam's Sesan River dams on life in Cambodia and their meaning in international law*. Phnom Penh: NGO Forum on Cambodia.

Swift, P. (2006) *Livelihoods in the SrePok River Basin in Cambodia: A baseline survey*. Phnom Penh: NGO Forum on Cambodia.

Theis, J., (2004). *Promoting rights-based approaches: Experiences and ideas from Asia ad the Pacific*. Stockholm: Save the Children. Retrieved from <http://www.crin.org/docs/resources/publications/hrbap/promoting.pdf> on February 12, 2006

Tsikata, D. (2004). The rights based approach to development: Potential for change or more of the same? Institute for Development Studies. *IDS Bulletin*, Vol 35, (4), p. 130-133.

Office of the High Commissioner for Human Rights. (UNHCHR) (1996). *Rights based approaches*, New York: UN. Retrieved June 15, 2006 from <http://www.unhcr.ch/development/approaches-04.html>.

Uvin, P. (2002). „On high moral ground: The incorporation of human rights by the development enterprise“, in *Praxis, The Fletcher Journal of Development Studies Vol XVII*. Retrieved on, June 23, 2006 from <http://etcher.tufts.edu/praxis/archives/xvii/Uvin.pdf>.

Uvin, P. (2004). *Human rights and development*: Bloomfield CT: Kumarian Press.

World Commission on Dams. (2000). *Dams and development A new framework for decision-making*. London and Sterling, VA: Earthscan Publications Ltd.

World Bank. (1998). *Development and human rights: The role of the World Bank*. World Bank: Washington DC.