

Third World Legal Studies

Volume 6 *The Application of Law and Development
Theory: Some Case Studies*

Article 1

1-1-1987

The Roles and Significance of Participatory Organizations of the Rural Poor in Alternative Strategies of Rural Development: Theory and Experience—An Overview

Md. Anisur Rahman

Follow this and additional works at: <http://scholar.valpo.edu/twls>

Recommended Citation

Rahman, Md. Anisur (1987) "The Roles and Significance of Participatory Organizations of the Rural Poor in Alternative Strategies of Rural Development: Theory and Experience—An Overview," *Third World Legal Studies*: Vol. 6, Article 1.
Available at: <http://scholar.valpo.edu/twls/vol6/iss1/1>

This Article is brought to you for free and open access by the Valparaiso University Law School at ValpoScholar. It has been accepted for inclusion in Third World Legal Studies by an authorized administrator of ValpoScholar. For more information, please contact a ValpoScholar staff member at scholar@valpo.edu.

THE ROLES AND SIGNIFICANCE OF PARTICIPATORY ORGANIZATIONS OF THE RURAL POOR IN ALTERNATIVE STRATEGIES OF RURAL DEVELOPMENT: THEORY AND EXPERIENCE - AN OVERVIEW*

Md. Anisur Rahman**

1. *Introduction*

The expression "Participatory Organisations of the Rural Poor" (PORP) will refer to the movement for stimulating and assisting the development of self-reliant and participatory collective initiatives by the underprivileged rural masses through their own organisations, as an approach to rural development and social transformation in the countryside. The International Labour Office's (ILO) PORP programme and the International Center for Law in Development's (ICLD) activities in Law and PORP are part of this movement. Besides collaborating closely with each other, these programmes have come into contact with grass-roots work in a number of Third World countries, work which is similar in conception to theirs. Work of this nature has begun to interact and network within some countries, and internationally.

The work does not follow a pre-conceived theory of social transformation. A common element among many groups engaged in such work is disillusionment with orthodox theory - both of the "right" (e.g. green revolution through extension agents) and of the "left" (social transformation directed by elite-controlled "vanguard parties") varieties - and a certain "vision" of development. The rest is a search for elaboration of this vision through practical grass-roots work - "action research." This

* This article is based on a paper presented in the author's personal capacity at the Eighth Annual Seminar on Law and Development, "Developing Legal Resources for Alternative Strategies for Development" at the University of Windsor (Ontario) Faculty of Law, March 24-26, 1983. It is produced here with the permission of the organizers.

** Md. Anisur Rahman, Rural Employment Policies Branch, Employment and Development Department, International Labour Office, Geneva.

praxis orientation of their work is opposed to the classical approach which would have a theory before initiating action.

This paper will not, therefore, discuss *the theory* (which does not exist), of this search. It will discuss, rather, the theoretical concerns of PORP-promoting work. This is done in section 2. A few practical experiences are thereafter introduced as illustrations of this kind of work (section 3), taken from initiatives with which the ILO's PORP programme has collaborated. This is followed by a discussion of the significance of such work as an alternative development strategy (section 4). The final section reflects on some aspects of the role of law in such work.

2. *Theoretical Concerns*

The five core concepts of development enunciated in *Towards a Theory of Rural Development*¹ seem to be shared by many engaged in the action research in PORP. These are:

- i. Man as the end of development - which is therefore to be judged by what it does to him;
- ii. De-alienation of man, in the sense that he feels at home with the process of development in which he becomes the subject as well as the object;
- iii. Development of collective personality of man in which he finds his richest expression;
- iv. Participation as the true form of democracy;
- v. Self-reliance as the expression of man's faith in his own abilities.

It may be held that these concepts are at the depth of Marxism. However, action research in PORP has shied away from orthodox Marxist-Leninist parties, and from the orthodox Marxist-Leninist theory that social transformation is to be directed by a vanguard party whose consciousness is "advanced" relative to the consciousness to the oppressed masses who are to be liberated (de-alienated). Some PORP-oriented action researchers have indeed been inspired by the deepest ideals of Marxism; but they show concern that, while revolutionary action guided by the orthodox theory has produced structural change in a number of situations, progress in realising the objectives of de-alienation of the masses, and self-reliant, participatory development has on the whole not been very encouraging, and in several cases newer forms of elite domination over the masses have

1. Haque, Mehta, Rahman & Wignaraja, *Towards a Theory of Rural Development*, 1977 DEVELOPMENT DIALOGUE 9-137.

emerged. While specific historical reasons for such outcome of revolutionary courses can be cited for each individual case, it is suggested that a root of such post-revolutionary situation may well be found in the failure of vanguard parties to address themselves to a major source of elite domination over the masses, i.e., polarised distribution of the social power over knowledge and the process of its production, a state of affairs which exists in the old order and continues relatively unchanged in the new.²

In fact, the theory of "advanced consciousness" in the vanguard party contributes further to perpetuation of this structure in the relations of knowledge rather than transforming it. Typically, vanguard parties are dominated by so-called "de-classed" intelligentsia whose social and cultural background is very different from the life of those they seek to liberate. Their consciousness is accordingly *different*, and because of their particular point of observation they may see *some things* better than the masses do. But it is unscientific to claim that their consciousness is more "advanced" - consciousness of people coming from two very different life streams is not comparable on a linear scale. The fact that masses do follow such vanguard parties, as in different phases of history they do follow many other kinds of parties, is a manifestation of their alienation from their own consciousness rather than a validation of the "superiority" of the latter's. This alienation continues after the revolutionary seizure of state power under the leadership of the vanguard party, and in view of the power which it thereby commands, the party then becomes the central arena of "class struggle" after the revolution.³ The consciousness of the vanguard changes according to the course of this struggle for power within the party, but the claim to "advanced" consciousness is retained by whoever wins. Socialism is defined, and redefined, by elites controlling state power, and the masses are to "participate" within frameworks thus defined.

Without detracting from the impressive reduction of economic inequalities in most revolutionary societies, and the sense of enhanced dignity that the masses may to this extent develop, it can be said that such a course of development does not address itself to the core concepts enunciated above. And in the ultimate analysis, human development is a

2. Rahman, *The Theory and Practice of Participatory Action Research*, IFDA DOSSIER No. 31, Sept./Oct. 1982, at 17-30.

3. C. BETTELHEIM, *CLASS STRUGGLES IN THE USSR, FIRST PERIOD: 1917-1923* (1976).

process of self-realisation which cannot be enhanced by following other people's consciousness.

It is such concern which is at the heart of action research in promoting participatory organisations of the rural poor. Ideologically and methodologically, the work takes much inspiration from the work and writings of Paulo Freire, whose concept of "conscientisation" - stimulation of self-reflected critical awareness of the oppressed masses of their social reality and of their ability to transform it by their own conscious action - has been internalised in most such work. The Freirian pedagogy of literacy itself is used in many initiatives of this nature. In some Asian experiences with which the present writer has interacted, the pedagogy that is used is not of literacy as such but of *social investigation and analysis*: the oppressed are stimulated to get together and inquire why they are poor and oppressed, through social investigation and analysis of their own - people's own research to generate knowledge of their own to guide their collective action. In this process external initiators play the role essentially of catalysts, stimulating and assisting but not directing, and in the end withdrawing or becoming assimilated in the developing life of the people and hence no longer remaining external. Whether it is the pedagogy of literacy or of social analysis which is used, the process of development that follows starts with liberation of the people's critical thinking faculties and processes of collective reflection by the people. This results in the formation of some form of organisation of their own, and from then on a progressive sequence of collective action and reflection - people's *praxis* - is observed, through which the "organ" develops as a collective entity.

Whatever is the outcome of such process in terms of change in the economic and social status of the people, a process of endogenous development of people's knowledge which is rooted in their own ongoing *praxis*, ensues. In view of the relativity of knowledge already suggested, the quality, and the scientific validity, of the knowledge thus generated can be assessed only in terms of its own references. In understanding the relation of such process with the core development concepts enunciated in *Towards a Theory of Rural Development*, what is important to note is that the people investigate their social reality before taking action, so that their action is placed by them in the wider context of their social situation as collectively and systematically understood by them at any given time. The people, in other words, appropriate social knowledge, which customarily is the monopoly of elite social researchers and an important source of alienation. The expectation furthermore is that, with the self-awareness and confidence the people will develop through such

critical reflection and action in a progressive sequence, they will be able to assert their views and their right to self-determination vis-a-vis the wider technocracy, for whose assistance in their development they may then negotiate as equals and not from a position of asymmetrical dependence.

3. *Some Illustrative Experiences*

Praxis, or participation, of the rural poor thus stimulated has naturally been directed to achieve objectives set by these people themselves. Thus in *Bhoomi Sena* in Junglepatti, Maharashtra, India, a much documented movement,⁴ oppressed tribal people waged an all-out struggle against the money-lending "sawkars" for liberation from bonded labour, which they considered to be the first task - a question of human dignity; for reclaiming adivasi land illegally held by the sawkars; for achieving legally stipulated minimum wages; for establishing, above all, what they called "people's power." In the process, participatory people's organisations sprang up in the villages, with a loose "vanguard" body, whose role consisted of catalytic, supportive, coordinating and synthesizing tasks.

Conscientisation, self-mobilisation and organisation have been the three key concepts in the movement which has achieved much in terms of the human and legal rights of the tribals and has become a recognized power in Junglepatti. The movement is intensely jealous of its self-reliance: it declines to join a national left-wing party whom it considers as an ally of the oppressed but whose centralist methods it considers unacceptable. It seeks help from outsiders very selectively, accepting only those "who will help us think of our problems on our own." While retaining its independence, *Bhoomi Sena* is developing informal contact with other movements and organisations of the rural poor in the country.⁵

Inspiration obtained from interaction with *Bhoomi Sena* was directly responsible for the conception and launching in 1978 of what is known as the Change Agents Programme in Sri Lanka. The programme was conceived by members of a study group which undertook a participatory research study of *Bhoomi Sena* over 1977-78. The idea was to sensitise a

4. de Silva, Mehta, Rahman & Wignaraja, *Bhoomi Sena, A Struggle for People's Power*, 1979 DEVELOPMENT DIALOGUE 70 [hereinafter cited as de Silva].

5. One notable inter-organisation activity in which *Bhoomi Sena* is involved is an ongoing process of "People's Research on Forest, Ecology and the Oppressed," an ILO project in "people's research" in which about fourteen forest-based poor people's movements or organisations met over a series of grass-roots workshops to articulate a common position on the theme of the project.

group of “development workers” chosen mostly from among government field officials, in the concept and approach to participatory and self-reliant development of the rural poor; these development workers would in turn identify, motivate and sensitise rural youth and leaders of the poverty groups to become “change agents” in stimulating and assisting self-reliant collective action by the rural poor. The development workers had the charge of making themselves redundant to the poverty groups to whom they would go for such catalytic work.

This programme resulted in impressive development of participatory organisations, initially of small betel producers near Colombo and coir yarn producers in the coastal belt.⁶ These poor producers themselves got together, investigated their socio-economic situations, and decided that their continued poverty was due to exploitation of their surplus labour by the trading middlemen, whom they therefore replaced progressively through collective marketing efforts. Small producers’ groups federated into bigger associations, and spontaneous replication of such collective effort by the poor rural communities started and supplemented the development workers’ own work in newer areas. Village level change agents who emerged in leadership roles themselves formed region-wide Change Agents’ Associations. The initiators of the programme set up in 1980 an NGO by the name of PIDA, The Participatory Institute for Development Alternatives, to continue activity in the programme uninhibited by constraints of government bureaucracy. PIDA is now coordinating what seems to be becoming a small-scale movement in the country, involving small rural producers such as tea and rubber smallholders, milk producers, rural artisans and fishermen, in addition to the original betel and coir yarn producers. It is significant that the Change Agents programme does not bring any financial resources to the people whose self-reliant development it seeks to promote.

Proshika, in Bangladesh, a private development agency, started its work in 1976, originally conceived primarily as an income-generating programme for the rural landless and near landless. The people were to form themselves into groups for taking collective initiatives, were to take group responsibility for loans and for production management, and to develop group saving as collective capital. A training process for potential animators emphasised social analysis of village reality by drawing examples from the trainees’ own life experiences. The animators were then to

6. S. Tilakratna, *Grass-roots Self-reliance in Sri Lanka: Organisations of Betel and Coir Yarn Producers*, WEP WORKING PAPER No. 10/WP 24 (1982).

stimulate group formation in their respective areas, and the groups thereby formed would be asked to start a group saving process and to meet regularly to discuss problems of their members and to identify common action to solve them. After a group would identify an income-generating project, it would be given skill training and loans to supplement its own saving, and other technical assistance as required for undertaking the activity.

The process of self-awareness raising (conscientisation) through collective social analysis, which was built into *Proshika's* work from the beginning, oriented its course towards "pressure-group" activities in addition to income-raising undertakings by the landless groups. Groups multiplied in a number of districts, through efforts of animators, as well as spontaneously through demonstration and initiatives of senior groups. They federated in several areas to form wider organizations. In addition to managing economic tasks they confronted local elites to bargain for better working and social conditions, to force "people's trials" of elites and touts engaged in malpractices and oppressive acts on the poor, mobilising in large numbers, sometimes in several thousands, to hold mass meetings and demonstrations to assert their sense of justice. The work of *Proshika* spread: By now there are about 6000 *Proshika* groups in more than 1000 villages in six districts, with federations and interlinkages which make these groups a strong countervailing force at the local level vis-à-vis the power of traditional elites. *Proshika* itself has split into two independent NGO's, apparently on the basis of ideological differences about the relative emphasis on economic versus political awareness raising. On the whole, the economic achievements of the *Proshika* groups appear less impressive than does the exercise of their countervailing power to confront abuses of traditional local power successfully.⁷

Interaction in a "TCDC" inter-country exchange project, with the Sri Lankan Change Agents Programme, *Proshika*, and work of the People's Institute for Development and Training in India (PIDT) coordinating the "Rural Action Project" (not reported here) generated participatory grass-roots development in a Philippine project which started in 1980 under the Bureau of Rural Workers in the Ministry of Labour and Employment. The work started as a "folk research" process in four areas to mobilise poor rural workers to discuss their problems for presentation in a tripartite national seminar. This was followed up by the initiation of a project for

7. Mosharraf Hossain, *Conscientizing Rural Disadvantaged Peasants in Bangladesh: Intervention Through Group Action—A Case Study of Proshika*, WEP WORKING PAPER No. 10/WP 27 (1982).

encouraging organisation development of such workers to undertake group economic activities with external loans and technical assistance. Grass-roots organisations were formed, but remained on the whole passive and oriented to initiative from above (government) for project design, finance and deliveries, which were promised but did not come.

Orientation on the project changed after the above inter-country exchange when the project was renamed "*Sarilakas*" (from the Tagalog words "*Sariling Lakas*," meaning "own strength"). Two out of the four previous sites were selected for experimentation in stimulating truly participatory organisation development.⁸ In one of them, the municipality of Tibiao in the province of Antique, organisations of tenant farmers and fishermen which had earlier been formed were transformed into vibrant collectives. They took initiatives which ranked from economic to pressure-group activities spurred by knowledge of legal rights which their members acquired through educational seminars sponsored by the organisations. The decisions were the people's own. In one village, activities were predominantly economic, e.g., taking production loans from the Land Bank under group liability, developing a collective saving fund, buying a hand tractor. In another, economic activities (repair of an irrigation project, production loans) were combined with pressures on the authorities for implementation of land reform laws which provided for change from share-tenancy to lease-holding; pressure on fishing authorities for change of fishing rights in the areas which were favourable to commercial fishing and a threat to the livelihood of small fishermen; pressure on the municipality authority for withdrawal of a tax on fish catches that was judged to be illegal. In a third village, in addition to production loans and a collective mango project, the poor rural workers successfully confronted forest guards for allocation of forest land to them according to law, which had not been done previously.

In another site, in the municipality of Balayan in the province of Batangas, an organisation of sugar cane tenant farmers that was formed engaged exclusively in fighting an outstanding court case against land owners for reduction of trucking fees for transport of their produce to the mills. The court case, started in 1976, had placed in the authority of the court the proceeds of sugar cane production for release to the farmers. In addition to the issue of trucking fees the farmers had been suffering the additional harassment of inordinate delays in the release of their

8. With ILO and Dutch government support.

earnings. A second organisation was formed in Balayon, and both considered resolution of the court case as a priority before the tenants could embark upon economic activities. An appeal was made through an open letter to the President of the country for transfer of the municipality court judge for procrastination in resolving the case. The organisation also filed a case through a legal facilitator provided by *Sarilakas* in the Supreme Court for speedy disposal of the case and for making public the accounts that came to the court from the mills. The Supreme Court, in response, ordered the Commission of Audit to examine the account of the court. Finally, under pressure from the tenants and with the mediation of the then Director of the Bureau of Rural Workers, the landlords reduced the trucking fees, and a number of other obligations on both sides were agreed upon.

A noteworthy aspect of the development of *Sarilakas* is the importance the poor rural workers gave to the educational gains they were deriving from their activities. In an evaluation of the project held in July 1982, in which the present writer participated, individual members in random samples in all the grass-roots organisations under *Sarilakas* were separately asked what each considered to be his or her greatest gain from the project. Without a single exception each replied that the greatest benefit was educational, by way of (1) acquiring knowledge of their legal rights as workers through the educational seminar; and (2) acquiring the awareness, through the experience of their collective efforts, that these rights could be achieved only if they got organised. There is a depth in this response, considering that this came even from respondents who had gained quite considerably in terms of higher incomes from the collective economic initiatives.

After two years of pilot experimentation *Sarilakas* was poised to expand its activity. Requests were coming from poor communities in other areas for assistance in initiating similar organisation development, training and legal assistance activities for them. The *Sarilakas* staff, however, felt constrained by an increasing bureaucratisation of the Bureau of Rural Workers and questioning of the unconventional procedures they had to adopt in implementing the project, and they set up in 1983 a non-government agency by the name of PROCESS - Participatory Research, Organisation of Communities and Education Towards Struggle for Self-reliance - to continue and expand their work. "*Sarilakas*" remained the spirit of the movement. Today, PROCESS is active in about thirty municipalities in three provinces - Antique, Bohol and Batangas - working in more than 200 villages in what is perhaps the largest non-church based participatory rural development movement in the country. In each province

the village-level people's organisations, while engaged in solving immediate local problems, have linked up through formal federations or otherwise, to initiate wider mass mobilisation and workshops on problems of common concern such as fishing rights of small fishermen and land rights of sugar cane growers. A new dimension of PROCESS's work is the systematic involvement of students of law schools in the respective provinces to provide legal support to the people's organisations. These mobilisations have produced impressive results, particularly with respect to fishing rights for the small fishermen over wide areas in the coastal belt of Antique province.

Like the Sri Lankan programme, the animators ("facilitators") in PROCESS are also charged with making themselves progressively dispensable to the organisations whose self-reliant development they are helping. There were, for example, two *Sarilakas* facilitators working in the three pilot villages in Tibiao in 1980-81; today two PROCESS facilitators are covering some forty villages in the same municipality, intensively working in new areas where work has started more recently, and only as occasional "consultants" in the older villages where "folk catalysts" or people's own leaders have taken over.

4. *Significance as Alternative Development Strategy*

The above experiences are not unique. In the Philippines there are numerous other grass-roots initiatives with "authentic human development" as a common concern. In Bangladesh such grass-roots work under the initiatives of a number of "voluntary bodies" (NGOs) has grown remarkably over the last decade, most of them taking off from the mobilisation and aspirations of the independence war. In India, so-called rural "action groups" are being considered an important social occurrence whose relevance for social transformation is being seriously discussed. There are a large number of such initiatives in Latin America as part of the Freirian movement, of the "theology of liberation," and others, with a concern which has much in common with the Asian initiatives outlined above.⁹

For any single country such initiatives are still far from becoming a major contender for social power and direction. As observed already, essentially they represent at this stage a search only for an alternative

9. Oakley & Winder, *The Concept and Practice of Rural Social Development: Current Trends in Latin America and India*, in *STUDIES IN RURAL DEVELOPMENT, MANCHESTER PAPERS ON DEVELOPMENT* (No. 1, May, 1981).

development strategy, as a response to the crisis of the right (tyranny of profit and power seeking individualism) as well as the crisis of the left (dictatorship of elite dominated parties). The search is concentrated more in pre-socialist countries, obviously for reasons of availability of political space for independent grass-roots experimentation of this type. However, some recent socialist countries, e.g., Cuba, Guinea Bissau, Nicaragua, have introduced elements of the Freirian pedagogy in their educational programmes and have sought personal guidance of Paulo Freire himself in this regard.¹⁰

In pre-socialist countries action research of this nature, where political and structural space exists for such activity, is generating mass initiatives which are directed at overcoming what the masses themselves consider as obstacles to their development. *Bhoomi Sena* is struggling for structural change at the local level, first liberating bonded labour, then reappropriating land, and all the time asserting the collective power of the people. The Sri Lankan initiatives that have been reported seem engaged primarily in appropriation by the small producers of their surplus labour and in capital accumulation, through collective control over the market system. The *Proshika* groups have engaged in collective production as well as in resisting social injustice at the local level. The motivation of all the activities of the *Sarilakas* groups have been economic; but they have engaged themselves in asserting their right to access to basic resources (land and water), and in resolving outstanding questions of economic justice, before or in addition to embarking upon incremental income-raising activities.

Notwithstanding the specific nature of activities and the concrete achievements in undertaking them, a transformation in the collective personality of the people in all the above cases is discernible, with a heightened sense of dignity and fulfillment in collective engagement to identify common tasks and to implement them. Insofar as practical illustrations of the alternative conception of development, i.e., self-realisation through progressive *praxis*, is concerned, we now have enough documented examples on a micro scale.

The most important question which remains is the macro significance of such initiatives. In some countries (e.g., Bangladesh and India) the totality of such initiatives may be considered significant in a national overview. However, this totality is only the sum of numerous *independent*

10. P. FREIRE, *PEDAGOGY IN PROCESS, THE LETTERS TO GUINEA-BISSAU* (C. St. John Hunter trans. 1978).

initiatives and hence does not constitute a macro force with any possibility yet of influencing the macro dialectics of society. In terms of development of the movement itself this is a serious limitation, for many local level contradictions cannot be resolved by local action alone, and spontaneous grass-roots initiatives directed at such contradictions can result in frustration and a return of alienation.

The structural space available for such work would also remain limited until macro structural change occurs. The Sri Lankan initiative has been successful mainly with small producers who have direct access to significant economic resources; it has typically failed to do much with the rural landless. The *Proshika* rural landless groups have been assisted by generous external loans and nevertheless are not showing significant economic gains. *Sarilakas* avoided work in structurally difficult areas, e.g., in the highly oppressive plantations with feudal hold of the landlords over the workers. It is important, therefore, to recognise that the macro structure needs to be confronted for participatory development to become a wider national process.

This is where the dilemma lies, for forces striving for macro structural change typically exhibit a kind of centralist tendency that frightens the grass-roots movements and action groups who are committed to participatory development. On their part, many action groups seem content with the small scale of their work, with which they are *themselves* fulfilled, and in this there is a lack of a wider social perspective.

Notwithstanding this formal communication gap between these two kinds of forces, the initiatives in question are progressively establishing by their work the social validity of the culture of participation which they are seeking to promote. The idea of people's development through people's *praxis* is finding a vibration, amidst sections of the intelligentsia searching for a role in alternative development, and amidst the people who are responding to the suggestion that they are capable to take charge of their own destiny. The culture is on the ascent. A decisive breakthrough requires disciplined networking among such initiatives, and from this a wider basis of "people's power" may be created.

It should, however, be said that even if grass-roots work of this nature fails directly to influence the macro direction of society, the development of the participatory culture itself is positive and can be expected to influence wider social thinking as well as produce a new cultural reality from which too great a departure may be resisted. The idea of de-alienation of the human being, of self-realisation, if this is the deepest urge in Marxism, is an abstract thought which has lent itself to many interpretations often mystified by self-styled vanguards. The Freirian work,

and the work in Asia from which illustrations have been given, are showing concrete processes of this phenomenon which are giving a point of reference for liberating action. As observed earlier, the Freirian method is already having its impact in *some post-revolutionary societies*; this shows that even micro-level experiments within limited structural space can develop liberation-promoting knowledge and methods that may find macro-level application after space has been created by macro-revolutionary action. The same may be said of the micro-level initiatives that are ongoing in Asia. Any national leadership in such countries which may search for ways for social reconstruction that may not end up with an inglorious and often hopeless strategy of delivery of development from above and outside, will do well to consider the methodology of generating self-reliant people's processes that some of these initiatives are developing.

5. *The Role of Law*

This is a big subject by itself, much of which is beyond the competence of the writer. Some reflections may nevertheless help link this paper with the main theme of the present volume.

Activities in *Bhoomi Sena* and *Sarilakas* have been preoccupied with asserting people's legal rights that have existed but have not been implemented or have been violated. In general, knowledge of these rights on the part of most of the people involved in these initiatives were non-existent or poor, so that deprivation of legal rights had not been traditionally perceived as such. As these people engaged in social analysis and investigation they progressively acquired greater knowledge of their legal rights and thereby *the perception of deprivation from them*. Sharing this perception among themselves stimulated the people into action—transforming a state of alienation rooted in ignorance, first into awareness that the power (right) was theirs by virtue of law, and then into an act of exercising that power.

Law, and legal knowledge which they acquired, thus constituted strategic elements of conscientisation and mobilisation of the people. This gave them concrete issues around which participatory collective activity could be focused. The existence of law in their favour, and the lack of its implementation or its violation, constituted a perceived contradiction stimulating the people in attempting to resolve it.

This underlines the importance of bringing relevant legal knowledge to the people, to help them overcome their state of alienation with the awareness that it is not mysterious destiny but human irresponsibility or violation which explains their misery. In this way legal knowledge can

stimulate collective action and a process of organisation development.

It is necessary, however, to be cautious about the expected outcome of such a course. The overall *system* of law is heavily biased against the underprivileged, and even if elements of law are in their favour and they have all the relevant knowledge about them, they can hardly win by *recourse to law alone*. *Bhoomi Sena* achieved the legal rights of the people by massive militant action which could easily have been repressed by the state machinery as “extra legal.” That this did not happen has to be explained by a *political* analysis of the response of the state¹¹ to the *Bhoomi Sena* movement and not by a *legal* analysis. One might suggest that the success of the *Sarilakas* groups in achieving the implementation of their forestry rights and land reform laws may not have been exclusively due to organised pressure from the people, but due also to the fact that *Sarilakas* itself was a government project supported by respectable international agencies. The success of small fishermen in achieving their fishing rights in the subsequent work of PROCESS needed wider mass mobilisation of the fishermen which also received solidarity and support of law students.

This makes it imperative that legal work with the rural poor should not be undertaken in isolation but should form an integrated part of *social activism* that weighs, along with the people, alternative courses of action and shares the responsibility of the course which is adopted. Unfortunately, not many lawyers are expected to come this far, a fact which is true not only of the legal profession but also of all formal professions which compartmentalise life and thereby stultify its development as an integrated, whole process. It is in this context that the ICLD's efforts to support “barefoot lawyers,” as it is doing in the work of PROCESS, appear most relevant. These young law graduates are living with the people and are bringing relevant legal knowledge to them after doing considerable research themselves to discover what legal knowledge the people need. They serve also as valuable links between the people and friends in the sophisticated legal profession who have a commitment to assist in people's struggles. But, above all, they are basically social activists whose success rests on their being indistinguishable from other facilitators.

Proshika, and the Change Agents Programme, present another dimension of the question of law in the promotion of participatory organisations of the rural poor. It is important to note that, unlike the

11. See de Silva, *supra* note 4, at 62-70.

PROCESS groups which are registered as rural workers' organisations, and *Bhoomi Sena* which, while retaining itself as a movement, has created an agricultural workers' union under its control, neither the *Proshika* landless groups nor the small producers' organisations in the Change Agents Programme and in the subsequent work of PIDA have legal personality. The reason for this is that the legal frameworks for registering as rural workers' organisations do not exist in Bangladesh and Sri Lanka, as in fact in most of the countries in the Third World, where the ILO's Convention No. 141 has not been ratified. While this has been no setback to the development of these organisations, a formal legal status could give them an extra element of strength and other advantages. The speed of organisation development over space might also be accelerated if the legal framework (and the knowledge that it exists) were available. This is a question to which the formal legal profession, which in many countries has championed issues of human rights at a macro level, could consider taking up at the level of professional activism.

There is another dimension in the grass-roots processes under discussion that deserves deeper study. The Sri Lanka groups are experimenting with organisational forms which would be conducive to maximum participation, e.g., splitting bigger organisations into a number of smaller ones, rotating members of executive bodies, etc. *Bhoomi Sena* as a movement has its own organisation development process in which a loose central body is encouraging the growth of autonomous village-level "*Tarun Mandals*," and the movement seems to be well-integrated in an organic way without much by way of constitutional codes of relationships. These are questions in a broader view of law as interpreted in various ICLD documents. What is the "organic law" of *Bhoomi Sena* that is holding it together as the movement is developing? Is this organic law unique to *Bhoomi Sena*, or can this be adapted in other movements and multi-organisational structures to enhance their participatory quality? How far can *Bhoomi Sena*, and the Sri Lankan groups, go through space and time with these kinds of internal arrangements? Questions such as these are at the deepest core of the concern for participatory development.

