

Emerging Features of a Rights-Based Development Policy of UN, Development Cooperation & NGO Agencies

Discussion Paper

Flore Nguyen, Professional Assistant, OHCHR Asia-Pacific Regional Office, September 2002

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To what extent have development cooperation agencies; UN agencies and NGOs integrated human rights into their policies and practices? Most, if not all acknowledge the legitimacy and value of human rights and their relevance to development work. There are noticeable differences, however, in the way the organisations see the interplay between human rights and development and therefore the extent to which they have decided to integrate human rights into their development policy and practice.

This paper gives a conceptual overview of different approaches to the role of human rights in development and to the integration of a rights-based approach into development programmes. It draws on the policy documents of various UN agencies, development cooperation agencies and NGOs active in Asia¹. The paper identifies four broad categories or approaches to human rights in development policies.

In preparing this paper we asked ourselves the following questions about the policies of the different organizations:

Goal of development

What is the organization's policy on the relationship between successful development and realisation of human rights? Is development seen as leading to realisation of human rights or are human rights seen as the goal of development?

Development process

Does the organisation consider that human rights principles should guide the development process at every stage?

Means - programming

To what extent does the organization say it seeks to integrate human rights, into the practices or methodologies of its development programmes?

The four categories help our thinking about the main features of the different approaches and the extent to which we have an emerging consensus. In each section we have given illustrations from the actual policies of one or more agencies. Reality, of course, is not so black and white or static and probably resembles more like a long, wavy continuum than four neat "categories". The policies of any particular agency might reflect the characteristics of more than one category, especially if they are in

¹UNDP, UNICEF, UNIFEM, WHO, World Bank, UNAIDS, AusAid, CIDA, DANIDA, DFID, European Commission, JICA, NORAD, SIDA, CARE, CRS, OXFAM GB, Save the Children Sweden

transition from one approach to another. Beyond the policies there may also be wide variations in the way policies are implemented in actual programmes.

1. Democracy and good governance as a sector of aid policy

Successful development leads to respect for human rights

In this approach respect for human rights is not a goal of development programmes. On the contrary, successful development is seen as leading to respect for human rights. As human rights are not considered to be a significant factor contributing to successful development, they are not integrated into the agencies' development strategies of programming. Instead, human rights activities are seen as a separate, sectoral area of work, distinct from core development activities. The human rights programmes adopt a minimalist approach, focusing on governance and democratisation, primarily supporting capacity-building of and technical assistance to national legislative, judicial and executive institutions in areas such as law reform and functioning of the judicial system. The emphasis is on civil and political rights and gender issues. It is acknowledged that respect for human rights are a useful tool to promote political stability and to some extent the peaceful resolution of conflict.

E.g.:

World Bank "The world now accepts that sustainable development is impossible without human rights. What has been missing is the recognition that the advancement of an interconnected set of human rights is impossible *without development*." (Emphasis in original)

AUSAID supports specific human rights activities addressing civil and political rights through its Global Human Rights Program comprising the Human rights Fund and the Centre for Democratic Institutions.

2. Democracy & good governance, participation & accountability

Respect for human rights contributes to sustainable development

In this category human rights are acknowledged as contributing to successful development, but are not central to development. The approach reflects more the features of a sustainable development policy based on needs rather than rights. Nevertheless, because human rights, especially civil and political rights, are seen to play a role in development, the strategies utilise democracy and governance programmes with the aim of making the results of development programmes more sustainable. Agencies accept the legitimacy and universality of the international human rights framework.

However, while organisations say they accept the universality of human rights, they do not refer in practice to a common set of standards. On the contrary each organisation selects a particular set of principles reflecting its own values, and understanding of the development process. Furthermore, participation, and accountability are seen only as useful tools at the project level, are not ends in

themselves and therefore are not integrated by the agency into their development objectives.

These development policies place a high priority on poverty alleviation in their strategies and tend to focus on the most vulnerable groups. However, as they consider good governance and democratisation as the main area of human rights relevant to development, they put most emphasis on capacity building of legal and electoral systems and institutions. Separate programmes are designed to tackle gender issues.

E.g.:

CIDA promotes sustainable development in developing countries in order to reduce poverty and to contribute to a more secure, equitable and prosperous world. For CIDA sustainable development is dependent on building stable democratic societies and the organisation aims at strengthening democratic institutions in order to develop and sustain responsible government.

JICA recognises human rights as universal but employs the concept of human security as cornerstone to its development policy, therefore selecting what it views as a set of 'core' rights. The organisation supports the improvement of legal and electoral systems and the training of judicial, administrative and police officials. Work on the advancement of women and gender equality remains a distinct element of its policy rather than a mainstreamed concept

3. Partial integration of human rights, priority on democracy and good governance

Realisation of human rights as the goal of development

In this category, the international human rights framework provides the values and norms of the development policies. The explicit aim of development is the realisation of all human rights including economic, social and cultural rights. Yet there is still a significant prioritisation of civil and political rights over economic, social and cultural rights, with emphasis on democratisation, good governance and rule of law.

Policies commonly refer to three human rights principles: participation, equality and accountability. Organisations consider these principles should be underpinning the development process as well as being development objectives.

The policies seek to move the agency from an emphasis on democratisation to poverty reduction, yet poverty reduction seems to be viewed as dependent on the successful advancement of democracy. However, while strategies focus again on strengthening the legal and electoral systems, in contrast to the earlier two approaches, they also target a wider range of actors across society at a variety of levels and in diverse sectors. This is a significant difference resulting from the greater integration of human rights in the development policies. Moreover, along with capacity building at national and local levels, strategies also include a commitment to using advocacy in national, regional and international arenas to promote the idea of the role of human rights in achieving development.

What distinguishes this category from the fourth category below is that human rights values, principles and norms are integrated primarily in the organization's advocacy and high-level policies but the organization has not yet moved to integrate human rights into its programming.

E.g.:

SIDA believes that poverty alleviation can be more easily achieved through the adoption of a democracy and human rights approach to development and views democracy and human rights as pre-conditions to development. The organisation's strategy is focussed on advocacy, for instance encouraging governments to assuming responsibility for observing international conventions they have ratified, while carrying out extensive in house capacity building in relation to human rights.

The **EU** asserts that it integrates all rights equally into its development policy but in its strategies and guiding principles promotes mainly civil and political rights. Meanwhile the organisation wants to use opportunities offered by political dialogue, trade and external assistance to promote human rights.

UNDP's Corporate Strategy for a human rights and human development framework is to:

Adopt a holistic perspective to development in which all rights will be considered when analysing problems, setting priorities and allocating resources.

Develop law reform, institutions and policies, set human rights related standards and create mechanisms to monitor progress while in the process of promoting and protecting human rights for development

Build capacity within existing institutions of governance and provide support to promote and protect human rights.

Encourage governments to recognise their obligation to ratify international human rights treaties and reinforce their commitment to such treaties.

Building capacity within existing institutions of governance to provide support, promotion and protection of human rights.

4. Integration of all human rights into development policy & programmes

Realisation of all human rights is the ultimate goal of development

The Overseas Development Institute (ODI) provides a clear definition for this last category:

A rights-based approach to development sets the achievement of human rights as an objective of development. It uses thinking about human rights as the scaffolding of development policy. It invokes the international apparatus of human rights accountability in support of development action. In all of these, it is concerned not just with civil and political rights, but also with economic, social and cultural rights.

ODI, 1999

In this approach the full realisation of human rights is the ultimate goal of development. Human rights are seen as a necessary part of government development policies and should also be integrated in the way that development programmes are delivered. The human rights principles underlying both aspects of the development process are: accountability, equity, non-discrimination and participation. Situations are analysed through a human rights analysis framework, which aims at uncovering the root causes of development problems and poses questions about power relations within society: political, economic, social and cultural. This sort of analysis naturally leads the agencies to focus on the most vulnerable or marginalized groups in society, usually those living in poverty. It considers how to tackle the long-term causes, including how to ensure there are avenues of redress for those who are discriminated against and marginalized.

Poverty eradication is seen as depending on the realisation of human rights and empowerment of the poor is a key to the realisation of human rights. Agencies there put considerable priority on working with and supporting civil society.

The range of strategies is also broader than in previous categories, using a mix of advocacy, capacity building and technical assistance, across multiple sectors and multiple layers of the international, national and grassroots development arena.

Implementing these strategies leads the agencies to forge ever-broader partnerships with other organizations so that each can contribute its own comparative advantage.

Organizations seeking to integrate a rights-based approach put significant emphasis on strengthening and developing their own capacity and consider their learning experience as part of their rights-based policy strategy.

E.g.:

OXFAM

Focus:

- Oxfam believes that a sharper focus is required in the area of economic and social rights, which have been the poor relation in comparison to civil and political rights.
- This focus reflects the organisation's competence and corporate identity.

Working at several levels:

- with individuals and groups to strengthen their ability to self-organise and express their voice;
- at the level of governments and international institutions, through lobbying and advocacy, to change policies that deny or infringe rights;
- and at the level of public awareness to raise awareness of rights, and means of redress, through development education, public information and campaigning.
- On the latter, Oxfam has made a commitment to participate in, support and promote the emerging movement for global citizenship to put economic and social rights at the top of the agenda of this global movement.

DFID

A human rights approach to development focuses on empowering all people to claim their rights to the opportunities and services made available through pro-poor development.

A rights based approach means that:

- Development organisations should work in ways which strengthen accountability of governments to people living in poverty;
- Promoting social justice and recognising that inequality matters;
- The rights of poor people should not be sacrificed to aggregate gain;
- Poor people's perspectives will be linked with the national and international policy processes.
- Poor people are engaged in the decision-making processes, which affect their lives.

CHALLENGES

The following are various challenges to integrating human rights into development policy and practice that development agencies themselves have identified in their policy documents:

Organisational Implications

- Changing the scope and focus of work
 - introducing **new policies** and procedures
 - ensuring policy coherence
 - mandates of organisations may place restrictions on their ability to fully integrate RBA
- Developing **staff capacity** and competency
- Adapting **organisation structure**

Partnerships and alliances

- Developing new external relations
 - developing **wider partnerships** across sectors and levels
 - stronger field presences
- Effectively **linking** the work that is done at all of these levels.

Value debate

- Is the rights-based approach seen as imposing “western values”?
- Is there a clash between collective and individual rights?
- How can human rights norms become part of culture and society and not only legislation?

Implementing rights-based approach in difficult local contexts where there may be:

- Weak legal system
- Weak governmental capacity
- Fragile multi-cultural, multi-ethnic societies
- Little tradition of involving people in decision-making; poor may be especially excluded and powerless

Prioritising rights

- How to deal with situations in which many or most rights are not realised?
- Progressive realisation of economic, social and cultural rights

Monitoring and evaluation

- How to create indicators, benchmarks to monitor progress?

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