RIGHTS-BASED APPROACHES TO DEVELOPMENT

AN OVERVIEW OF THE FIELD

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I.   Introduction[*]

The relevance of human rights to development work has been widely recognized by much of the development world, and for many organizations a "rights-based approach" (RBA) is an important if not defining part of their work. This recognition has gone hand in hand with an evolving understanding of the aims and means of development work, from a model based on filling poor peoples' needs to one of empowering the poor. It has also paralleled a surge of interest in economic, social and cultural rights (ESCR) among a wide range of sectors. The merging of rights and development among and between these various fields has precipitated a great deal of theoretical progress and some initial practical experience. This paper provides a brief overview of these efforts.[1]

The field of rights and development is paradoxical: on the one hand, the relatively young field of RBAs is characterized by a glut of discussion and theoretical papers and a dearth of operational experience – all talk and little action. At the same time, among a wide-range of sectors there is a vast amount of experience in the use of rights and rights-like strategies (advocacy, empowerment) to promote development objectives, with little reflection on the use of rights (e.g. value-added and methodologies) – lots of action and little talk/reflection. This offers RBA advocates a wealth of potential resources (not necessarily presented as RBAs), but it requires much digging to find them.[2] This paper is primarily concerned with identifying these resources and those groups that have made the most progress specifically in terms of RBAs. However, the field of RBAs, and the general convergence of rights and development, is moving so quickly that many of the most useful publications are still pending and what's now available (and listed below) may soon be out-dated.

This paper divides the organizations working with rights and development into two broad categories: the relatively small number of advocacy groups working specifically with economic, social and cultural rights (ESCR Groups); and the much larger set of organizations working on development generally, working with a specific social sector or working on a particular development issue (Development Groups).

II.   Overview of ESCR Groups

A.   State of the field

The human rights movement has been largely defined by the big northern international human rights organizations, like Amnesty International and Human Rights

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[1]   The paper does not include an analysis of CARE or Oxfam, nor their extensive RBA-related publications.

[2]   For example, many small NGOs from the South have experience combining human rights and development, but have not had a chance to disseminate these experiences, making them difficult to access.

Watch. For both political and pragmatic reasons, these organizations and the mainstream movement have focused their work on civil and political rights (CPR) and have, until recently, entirely neglected the other half of the human rights spectrum, ESCR. That narrow focus has left a void that has only been partially filled by the work of smaller human rights organizations and a growing number of organizations from related fields.

Explicit ESCR advocacy has been undertaken by two types of human rights groups (organizations and acronyms listed in Annex): (i) a handful of small international organizations specializing in ESCR[3] (e.g. FIAN, COHRE, CESR, HIC) and (ii) a larger number of small national human rights organizations, many with a history of CPR advocacy. Some of the international groups with the greatest ESCR expertise have tended to focus on particular rights: e.g. FIAN-food; COHRE, HIC – housing; FXB Center, AAAS -- health. The national groups have tended to be human rights organizations that either never made a clear distinctions between CPR and ESCR or began as CPR groups and expanded their mandates (e.g. CELS, PROVEA, APRODEH). The Americas is particularly well-represented by these national groups, and home to an active and broad-based regional network devoted to ESCR (the Inter-American Platform).[4] At the international level, a global network of ESCR groups is underway with a website under construction (www.escr-net.org) and an international conference pending.[5]

The work of these organizations has been supported by and often directed at international human rights bodies and experts.[6] Foremost among these, the UN Committee on Economic, Social and Cultural Rights (ESCR Committee), established by ECOSOC to monitor implementation of the International Covenant on Economic, Social and Cultural Rights, has a fifteen year history of reviewing state party reports on ESCR and providing comments and General Observations, creating an authoritative body of quasi-jurisprudence on ESCR. The European Commission on Human Rights, the Inter-American Commission on Human Rights and a number of domestic courts, have also issued reports and opinions on ESCR violations.

     B.   Obstacles/Lessons

ESCR Groups have confronted a number of obstacles not faced by traditional CPR advocates, all of which are relevant to work in the RBA field insofar as it incorporates rights advocacy.

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[3]   Another set of international organizations play primarily a support role for ESCR advocates either through funding, networking or educational materials: e.g. FIDH, IHRIP, TdH, NCOS, and AAAS.

[4]   There have been initial meetings (coordinated by Dorothy Thomas) among US-based human rights organizations (understood broadly) building towards a network in which ESCR will occupy one of the central focuses.

[5]   CESR is currently hosting the ESCR-Net Secretariat.

[6]   UN documents can be found at: www.unhchr.ch/; ESCR-Net is in the process of developing an on-line database of ESCR cases

1. *Funding*. Those foundations and individual who have long funded CPR work have been wary about ESCR, either not recognizing their value or fearing that they might distract from or weaken CPR advocacy. In the U.S, only the Ford Foundation, and to a lesser extent, the MacArthur Foundation, have been consistent supporters of ESCR work, per se; the European aid agencies and affiliates (e.g. NOVIB, Diakonia, Swedish NGO Fund for Human Rights) have been more open to ESCR, though still weak by comparison to CPR funding. A group of US human rights funders, lead by the Joyce Mertz-Gilmore Foundation, has been exploring the question of ESCR and more resources will hopefully be available to advocates in the future.

2. *Programmatic and interdisciplinary issues.* ESCR touch on a range of complex economic and social issues, often requiring comprehensive and long-term solutions. Accordingly, effective ESCR advocacy requires (a) interdisciplinary expertise (social scientists, economists, etc. as well as lawyers) and (b) long-term involvement. CPR groups, comprised of lawyers, journalists and similar professionals, and underfunded ESCR groups, have been hard-pressed to tackle these joint demands, on their own. Accordingly, the field has spawned new collaborations and underscored the importance of participatory/capacity-building approaches in which campaigns are equally concerned with ensuring that affected groups and communities gain the ability to become long-term ESCR advocates.

3. *New and powerful actors:* ESCR present a fundamental challenge to reigning political and economic ideologies and practices (i.e. neo-liberalism) and to dominant global actors. Unlike CPR violations (e.g. torture, arbitrary detentions), which are often discrete and largely within the scope of government action, ESCR violations (e.g. illiteracy and hunger) are as much a product of global politics and economic forces, as well as private actors, and solutions will require structural change that inevitably challenges many of these other actors. It is not coincidental that Reebok, Chevron, USAID and the other most powerful multinational economic/political actors will come out strongly in favor of CPR, and just as strongly resist ESCR.

ESCR advocates have confronted this array of actors by mobilizing broader constituencies – acting in coalitions and supporting grassroots campaigns. They have also broadened the reach of human rights instruments to target directly international financial institutions, corporations, and multilateral organizations, all of which have obligations under international human rights law.[7]

4. *Lack of jurisprudence and standards.* The lack of attention to ESCR among advocates and government bodies/courts has left the field, until recently, devoid of jurisprudence and standards by which to measure government compliance. This lack of jurisprudence has been cited as proof that ESCR are not really "rights".[8] Advocates have begun bringing ESCR cases to domestic courts and, alongside UN bodies and experts, have elaborated standards that address this gap (as well as responding to doubts

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[7] The mainstream human rights groups have also begun targeting these actors around CPR violations, (e.g. Lawyers Committee for Human Rights work on World Bank, HRW Program on corporations).

[8] This has been particularly difficult in the US, given the government's abiding hostility to ESCR (non-ratification of ESCR-related treaties) and the Constitution's neglect of ESCR (though note that some state constitutions include ESCR).

about justiciability).[9]   There is still a ways to go, particularly in terms of the obligations of non-state actors, but groups are increasingly using the existing ESCR framework and standards to monitor and report on these rights.

     5.   New strategies and lack of guides.   As suggested above, effective ESCR advocacy can only borrow so much from the traditional human rights movement and necessarily requires new expertise and strategies. A range of seminars, conferences and human rights courses dedicated to ESCR, alongside the concrete work of advocates, have begun to bear fruit, and today a number of new ESCR manuals and case studies offer useful guidance. There is still a relative dearth of materials, but enough to help groups begin work in this field.

     C.   Resources

     1. Educational Materials. Theoretical materials about ESCR have been available for over a decade, but only recently have groups begun publishing more advocacy oriented guides and manuals. The IHRIP and Asia Forum have produced two useful manuals aimed at national NGOs. FIAN, CDES, AAAS/Huridocs, the Inter-American Platform and COHRE, among others, have all published more advocacy-oriented guides, with information about bringing petitions and reports to various multilateral bodies.[10] Organizations have also published ESCR workshop and conference reports with useful discussions about advocacy strategies and on-going campaigns. Almost all of these materials are accessible on-line. Many national organizations have also published useful guides, though they are often aimed at a national audience and generally less accessible.

     2. Monitoring/indicators. The need for indicators specific to ESCR for purposes of monitoring government compliance has been recognized and discussed for many years, with relatively little progress (more progress has been made in terms of standards/benchmarks defining obligations). AAAS and Huridocs have been working on ESCR-specific indicators and have published some relevant documents.[11] Some groups have used the indicators and information provided by UN agencies such as UNDP, WHO, FAO and the World Bank to monitor ESCR,[12] though these and other indicators are not specifically geared to ESCR and can not capture the full range of ESCR issues, e.g. local participation in development decisions and ability to claim rights.

     With those limitations, a number of organizations have still produced very thorough country reports evaluating governmental ESCR compliance or particular

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[9]   See ESCR-Net for a database of ESCR cases. In addition to comments/observations of the multilateral bodies, expert statements such as the Limburg Principles, the Maastricht Guidelines, and the Quito Declaration have helped bring coherent and authoritative standards.

[10]   People's Decade on Human Rights Education and Human Rights Education Association have good websites for materials on human rights education.

[11]   See e.g. Huridocs (2002) Core Obligations: Developing a Framework for Economic, Social and Cultural Rights

[12]   The Millennium Development Goals offer a rich set of benchmarks and indicators to supplement this work.

violations, often as "shadow" reports to human rights bodies such as the ESCR Committee. These reports and a smaller number of legal challenges, as well as the guidelines for submitting reports offered by the various UN committees, offer guidance on indicators, standards and framing ESCR claims.[13]

3. *Case studies*. There is a glaring absence of published case studies and evaluations of efforts to promote ESCR. The few available studies are not rigorous nor focused on the specific question of "value-added" of "rights". This will hopefully be addressed as groups begin to reflect more on their experience over recent years working with ESCR and as more resources are made available for such evaluations. A recent initiative by the Joyce Mertz-Gilmore Foundation to compile a series of short human rights case studies is a useful step in that direction.[14]

III.   Overview of Development Groups

A.   Overview

Outside of the ESCR field, the range of organizations practicing some form of RBA is varied and vast. Organizations range from the ILO, which was arguably practicing RBA before the UN was established, to those budget monitoring organizations who have just recently turned to ESCR to open a new and rich area of rights and development work.

Among the social sectors and movements offering useful experiences and strategies for RBA are those dedicated to women's rights, health (particularly reproductive health), AIDS/HIV, labor, indigenous rights, environment,[15] land, debt, and poor peoples, all of which, to varying degrees, have turned to human rights, and particularly ESCR, to strengthen their campaigns. The incorporation of human rights among these groups has not so much expanded their substantive focus, but rather added an international element to their existing domestic rights advocacy. In the fields of labor, women, indigenous and child rights, international treaties do not distinguish CPR and ESCR and they are generally treated by advocates as a single body of rights and protections for a particular class.

Many of the traditional development organizations (e.g. service delivery) have had to confront and overcome skepticism about the value of rights, and fears that rights would either distract from or undermine their ability to serve communities. Board members and funders skeptical about rights, such as USAID, may also significantly deter groups from taking a RBA. Groups with greater independence (e.g. membership or faith-based) and groups with a history of advocacy/policy-work enjoy more flexibility to explore or take on a RBA.

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[13]   These shadow reports are often available on the web-sites of the relevant organizations.

[14]   Mona Younis of the Joyce Mertz-Gilmore Foundation is organizing and editing the case studies.

[15]   E.g. the environmental justice movement in the US has more than a decade's worth of experience in advocating around health and poverty through rights.

The change required by a commitment to RBAs may be slowed by various institutional and pragmatic factors. Some of the leading RBA organizations are large and decentralized and require time for broad institutional change. Confusion about the meaning of RBAs and a lack of legal expertise or familiarity with human rights is an obstacle for many groups. RBAs may also engender resistance from staff members who are more comfortable with traditional service delivery approaches and fear the corresponding loss of influence and/or greater accountability to beneficiaries.[16]

Despite those obstacles, the field is moving quickly forward. The theoretical discussions about RBAs that dominated the late 1990s have turned to practical implementation and targeted efforts (a) to produce case studies and evaluations of RBAs (as both guides and a response to the question of value-added), (b) to publish guides and manuals, and (c) to develop benchmarks and indicators.

B.   Who's doing RBA

Those development organizations that have explicitly adopted a RBA may be grouped into the following rough categories:

1.   *UN agencies*: The UN has provided much of the theoretical, legal and political impetus for RBAs. Following on the increasing attention to human rights and development at the various global conferences of the 1990s, in 1997 UN Secretary General Kofi Annan called on all UN agencies to "mainstream" human rights in their work. That call coincided with a greater attention to ESCR by the High Commissioner for Human Rights (Mary Robinson) and increasing attention to ESCR among the treaty-bodies (e.g. Child Rights and Women's Rights). Inter-agency meetings held in recent years to discuss RBAs have succeeded in cementing the commitment to rights across the UN system, which is now beginning to manifest itself in concrete work in the field. UNICEF and UNDP have led the way, but other agencies are also making progress.

(a) **UNICEF** began working with rights in the early 90s with the adoption of the Convention on the Rights of the Child. Its efforts have gone through stages, from a rhetorical use of rights, to promotion of the CRC, to comprehensive adoption of a RBA.[17] UNICEF's RBA is based on both the CRC and CEDAW and includes rights-based programming, support for government rights legislation/oversight, rights monitoring (and limited advocacy), and support for local advocates. The agency has perhaps the most advanced set of resources for implementing a RBA, including a number of working papers, a comprehensive manual, reports that monitoring right, and a soon to be released set of case studies and evaluations.

(b) **UNDP** has been exploring RBAs since the mid-90s and provided one of the most comprehensive and useful studies to date in its 2000 Human Development Report which was dedicated to human rights. In 1998, UNDP and the

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[16]   E.g. RBA may mean greater transparency regarding a group's funding and salaries and greater participation/influence of beneficiaries.

[17]   In 1998, UNICEF Executive Director (Bellamy) issued Guidelines for an organization-wide RBA.

Office of the High Commissioner on Human Rights (**UNHCHR**) embarked on an ambitious program to promote RBAs (**HURIST**) and have subsequently produced a number of useful papers and reports. HURIST parallels UNICEF in terms of volume and useful experience with RBAs.

(c) Since 1993, a **UN Working Group on the Right to Development** convened by the Commission on Human Rights has produced many useful analyses of rights and development that lay a legal foundation for RBAs. The newly appointed **Independent Expert on the Right to Development** (Arjun Sengupta, who works closely with the FXB Center at Harvard) has more explicitly examined RBAs in recent reports.

(d) **UNFPA** (working with CEDAW and MoU with OHCHR), **UNIFEM**[18] (has developed "gender indicators"; with UNFPA, working on RBA to maternal and women's health), **WHO** (joint initiative with UNDP, UNFPA and World Bank that includes a pilot RBA project in Mozambique and development of health indicators),[19] **FAO,**[20] **UNESCO** (looking at RBA to poverty), **UN-HABITAT** and **UNAIDS** are all coming around to RBAs, though mostly at a theoretical level, with less in the way of implementation.

(e) The UN treaty bodies established under the CRC and CEDAW, as well as the ILO, have produced a vast amount of documents and legal opinions on ESCR-related matters, and become targets of much campaign work.

(f) The **World Bank** (a UN "special agency") has long been criticized for its lack of attention to human rights. Its approach to development, at least on paper, has increasingly incorporated RBA elements (respect for rights of indigenous, participation/information rights, people-centered development etc.) and it has recently convened a series of discussions with civil society to consider greater incorporation of human rights into its work.

2. *Children development organizations*: Child welfare organizations have a history of rights work going back fifty years. The long campaign leading up to ratification of the UN Convention on the Rights of the Child (CRC) brought many child welfare organizations around to rights. Today, there are hundreds of organizations, and dozens of networks working with child rights in some form. However, most of this work is aimed at rights education and CRC monitoring and advocacy -- a far smaller set of groups is explicitly working around the idea of a RBA to development. Three of the largest organizations with a history of service delivery offer useful experience and materials.

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[18]   In 1996 a ground-breaking inter-agency (six UN agencies) conference was held on "Human Rights Approaches to Women's Health" (Glen Cove Round Table).

[19]   "25 Questions and Answers about Health and Human Rights", WHO, July, 2002.

[20]   A useful summary of the FAO's arguments for using a RBA around food issues is provided in "Resources Mobilization to Ensure the Right to Food" (FAO, World Food Summit, June 10-13, 2002).

(a) **Save the Children**. Save, with offices in 70 countries, and 26 offices grouped in an International Alliance, is the leading child rights NGO. The International Alliance literature states that *"Save the Children believes that the Rights of the Child must lie at the heart of every programme, every policy, every action. They do not stand alone but form the basic fabric of all child care and protection."* National offices have much autonomy and Save-UK and Save-Sweden have been particularly active in promoting RBA.[21] Save-UK has an advocacy program devoted to promoting child rights and has a number of useful guides to RBA programming and implementation.[22]

(b) **Plan International**. Plan International has incorporated rights into its core documents and a RBA has been adopted by some of its 16 national offices (e.g. Australia) and 40 plus country offices (e.g. Ecuador, El Salvador, Philippines) including child rights-based programming, projects, and advocacy.[23] Plan's rights-based activities include (i) child rights through the media (West Africa), (ii) birth registration as a right (internationally), (iii) "Child-Centered Community Development" (Asia), which includes networking and advocacy, participatory processes, and (iv) Child Pro, a training in 8 countries to mainstream child participation into programming within a rights framework.

(c) **World Vision.** World Vision has a decentralized federal structure with what it calls "85 different NGOs". Its focus is as much on religion as child rights, and it has not gone as far as either Plan or Save in committing itself to RBA. However, it has a particular commitment to advocacy, with one of its three internal Networks devoted to child rights.[24]

(d) **Others**. There are literally hundreds of organizations with child rights as part of their mandate, though many provide limited services or are strictly advocates. These groups are joined in national or international networks such as the NGO Group for the CRC. The Child Rights Information Network hosted by Save-UK provides a useful starting point for information.

3. *Development organizations*: Among development organizations, Oxfam-UK, CARE, and ActionAid are most commonly cited as the leaders in terms of RBA. InterAction, a coalition of US development organizations, has sponsored recent seminars on RBA attracting 15 to 20 organizations, but US-based groups in general have been less open to ESCR and RBAs than European counterparts. Other organizations have made some limited use of rights, but have not taken significant steps to incorporate a RBA into their work (e.g. **Christian Aid**, with much RBA like work – empowerment, advocacy, campaigns – but less reference to rights).

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[21] See SCF UK's 2001-2004 Programs Strategic Plan.

[22] Save UK is producing "a comprehensive toolkit for the use of human rights instruments and mechanisms" some of which is available on its website.

[23] Lisa Woll, a former advisor to Plan, has produced a number of excellent documents reviewing Plan's work with RBA.

[24] Taken from Woll "In the Center or at the Margins" (2000).

(a) **ActionAid.** ActionAid was originally a child sponsorship organization that has moved towards broader thematic development issues, with rights as a guiding force. RBA were first broached in national offices in the late 1990s (e.g. Kenya and India – which continue to lead the way), and eventually developed into a strategic document for the organization as a whole.[25] AA is decentralized and works in over 30 countries, each with great autonomy over the extent to which RBA are implemented. According to an AA source, where it has gone furthest, it has brought a new "culture" to the office, with changes to programs (e.g. cuts in services in favor of advocacy), greater accountability to communities, hiring new staff (e.g. lawyers), taking on new issues (e.g. TNCs and mining) and, at least in one case (Gambia) led to the local office being closed by the government.

(b) **Catholic Relief Services.** In recent years, CRS has adopted a RBA, while largely avoiding the use of "rights". Instead, it has adopted a "Justice Lens" based on Catholic teachings which closely parallels a RBA (focus on vulnerable, analyze structures/roots, participation, advocacy, etc.). CRS has documented its implementation of this approach though a series of case studies, which provide useful material for RBAs. CRS has created a 15-person policy department (and has sent policy persons to work with field offices) which promotes campaigns around such issues as extractive industries, food security and debt. A very recent CRS/Europe Regional Strategy document advocates and suggests concrete steps for switching to a RBA and it seems likely the group will increasingly move in that direction.

4. *Bilateral agencies.* In just the last five years or so, almost all of the Northern bi-lateral aid agencies (DFID, SIDA, NORAD, DANIDA, CIDA Irish, New Zealand), along with the OECD-DAC, have openly discussed and committed themselves to RBAs. A milestone in this movement was an event jointly organized by the Australian Council of Human Rights and SIDA in 1999, bringing many of these agencies together to discuss RBAs.[26] The attention focused on RBAs by these agencies has greatly increased the resources available for rights-based development work and has led to a number of conferences and publications. DFID and SIDA have perhaps dedicated the most resources to these efforts.

5. *Policy organizations.* A handful of organizations have played a key role in moving the RBA field forward on a theoretical level, including: (i) the Human Rights Council of Australia (a pioneer of rights and development assistance with many important and influential consultancies, seminars and publications), (ii) Rights and Humanity (one of the first to talk about RBA, early influence on European agencies), (iii) Fracois-Xavier Bagnoud Center for Health and Human Rights at Harvard (publish Health and Human Rights Quarterly, host international meetings on health and human rights, and recently established a right to development program in coordination with UN Expert Sengupta), and (iv) International Center for Law and Development (much influence on UN agencies in promoting RBAs).

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[25] Taking Sides: ActionAid's Global Advocacy Strategy for Policy Influencing and Change 2001-2004.

[26] See the two conference reports available at: www.hrca.org.au/

6. *Humanitarian organizations*: the move to incorporate a human rights analysis into humanitarian work has sparked great controversy in the field. Until now, human rights have raised questions about: (i) speaking out (witnessing) about violations (ii) using humanitarian aid to pressure/punish violating governments and (iii) greater accountability (e.g. do no harm). This work has not, however, touched on some of the key RBA issues, such as rights programming and use of rights to promote development issues RBA advocates may find useful materials and experience in (x) accountability, standard setting and indicators (e.g. the Sphere Project and the Red Cross Code of Conduct), (y) rights education (Reach Out Project) and (z) case studies on the use of rights and advocacy (e.g. Sheltering Tree). Organizations with rights experience include **International Rescue Committee** (use of humanitarian law/refugee rights in advocacy), and **Medecin San Frontiers** (outspoken advocates on rights violations, but little attention to capacity-building, empowerment, rights programming).

7. *Others*: Among the other sectors worth exploring for RBA experience and resources, those groups working around reproductive health rights are perhaps the most advanced (e.g. International Women's Health Coalition). This would include organizations focused on right to health, women's development/rights, and/or population.[27] Given their decades of experience in working with development and rights, international labor organizations and indigenous/minority rights organizations (e.g. Minority Rights Groups) are also bound to have useful materials, including advocacy/educational manuals, case studies and evaluations. Campaigns around budget-monitoring, corporate accountability, multilateral banks, and debt all offer examples of RBA work, though none have used rights systematically and rights publications are scarce.

IV.   RBA resources

Experience and materials on RBAs are available from a variety of sources. While agencies like UNICEF and HURIST offer comprehensive guides to RBAs, additional and more useful resources for particular components of RBAs may be found among a number of organizations. Accordingly, it is helpful to divide RBAs into the following constituent parts and treat each area separately.

A.   Rights as an end: rights-based Programming

The most common role for rights among development organizations concerns programming; human rights become the targets of development. In that sense, rights require an analysis of root causes and comprehensive solutions, and rights provide a framework, a set of priorities, and new objectives to guide an organization's programs and activities. This may involve a significant change in an organization's programming or a more superficial overlay of rights rhetoric with little substance. Almost all of the UN agencies, bilateral agencies, child rights and development organizations cited above have

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[27]   Organizations such as the Association for Women's Rights in Development and the International Planned Parenthood Foundation have experience with RBAs.

experience with rights programming, and UNICEF, UNDP (HURIST), DFID, ActionAid and Save have published a number of documents dealing with it.

B. Empowerment: participation and capacity-building

RBAs require that people be viewed as active agents of their own development. This understanding has held sway in much of the development world (well before RBAs) and a wealth of experience in "people-centered" development already exists. However, RBAs take empowerment a step further in aiming for not only the ability to sustain oneself, but the additional capacity to influence public policies and make claims in defense of one's rights. This focus on participation and rights-capacity is newer and there is correspondingly less experience and guides. UK-based institutions (often funded by DFID) have done much work on participation and empowerment (e.g. ODI and the Institute for Development Studies), as have ActionAid and some of the Child rights groups (see also the World Bank's work on participation). Among human rights organizations, the capacity-building materials of ESCR Groups are likely to be more relevant than the many CPR guides insofar as they touch on participation and empowerment in development decisions.

C. Rights as the means: campaigns and advocacy

While RBAs do not necessarily entail human rights advocacy and some organizations have opted exclusively for a "collaborative approach" to rights,[28] RBAs are likely to bring more advocacy into the work of development. This advocacy may be combined with existing development objectives at the national level or may broaden that work to incorporate international issues (e.g. trade, debt, etc.). There is a wealth of human rights advocacy guides available from mainstream human rights organizations concerning CPR, but their usefulness for campaigns going beyond state actors and traditional legal remedies, will be limited. In the more relevant field of ESCR, there is a growing body of experience and publications on both monitoring and advocacy; and the reports and guides provided by the ESCR Groups listed above offer a good starting point. Development Groups have much experience with advocacy and campaigns around child rights and women's health and there are a number of related publications evaluating and discussing strategies, as well as advocacy manuals (e.g. Bond, INTRAC guides).

D. Rights obligations: building government accountability and capacity

RBAs for some organizations, particularly UN and bilateral aid agencies, may imply greater attention to the ability of governments to guarantee and ensure human rights. This aim overlaps with traditional law and development work and judicial reform efforts (e.g. as promoted by USAID and the World Bank), but goes beyond that to consider new institutions and processes for ensuring a wider range of rights. UNICEF has undertaken work to promote ratification of, and legislation in line with, the CRC and CEDAW, and the UNDP/UNHCHR are working with governments to build broader rights capacity (e.g. national human rights plans and human rights ombudsmen). Among

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[28] E.g. as opposed to a "violations approach"; see Audrey Chapman, "A Violations Approach to Monitoring the International Covenant on Economic, Social and Cultural Rights."

the new approaches, are the recently introduced frameworks for development (e.g. CCA, UNDAF, PRSP) aimed at building greater governmental capacity (planning) and accountability (benchmarks). These frameworks are influenced by rights standards and offer potential (albeit controversial) for RBA work (among HURIST's projected activities).

E. Rights culture

RBAs are also aimed at promoting greater accountability, effectiveness and new values to the host organizations. RBAs should bring a rights "culture" to the organization's office and work. This may be an explicit aim of the move to a RBA or may happen naturally as a secondary benefit of the staff and those they work with becoming more familiar with rights. Rights culture influences how the organization goes about its work -- ensuring that this process, in addition to the substance of the work, respects rights and empowers communities. For some organizations this has spurred reflection on such issues as transparency, participation (what role the community plays in the organization's planning) and accountability (benchmarks and harm/benefits analysis). There are clear precedents for some of this in the humanitarian field (Sphere Project; Do no Harm), but concerning development, RBAs are likely to require more searching standards. Participatory planning is familiar terrain and a number of development organizations have expertise in this area. Transparency and accountability are less explored; ActionAid and UNICEF will offer some guidance.

F. Monitoring and Evaluation

Monitoring and evaluating RBAs is essential to the field both to improve upon RBA effectiveness and to demonstrate the "value-added." Unfortunately, while there are many documents detailing the value of ESCR and RBA in theory, little empirical evidence exists. ESCR organizations have the experience with rights, but lack cohesive indicators, methodologies and resources to do systematic evaluations of their work. Development organizations have a wealth of monitoring and evaluation experience (see e.g. www.mande.org) and the tools for measuring service delivery and socio-economic progress, but do not have the same experience with rights and advocacy.[29] Measuring the impact of rights in development (participation, empowerment and the ability to claim one's rights) is a more challenging task than measuring socio-economic performance.

Monitoring and evaluating the effectiveness of RBAs will require further work along two lines: (a) indicators and (b) methodologies. The dearth of materials on both fronts has been a matter of much discussion and significant work is now being devoted to these issues at the UN (e.g. HURIST), among bilateral aid agencies (e.g. DFID, SIDA), and within certain specialized fields (women's health, food, housing). A number of evaluations exist on both participation and empowerment and ActionAid's newly established accountability system (ALPS) may offer useful guidance. However, few of these studies incorporate the particular value/element of rights.

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[29] The Institute for Development Studies at Sussex has done much work in this area.

The RBA and ESCR fields also lack for case studies, though this too is being addressed (see the attached bibliography – ActionAid, Save, UNICEF, HURIST have begun to produce RBA case studies). Among others, HURIST has devoted significant resources to the development of case studies and the FXB Center is pursuing a series of RBA health-related studies. Because the field is still fresh, most of the existing case studies show what could/should have been done with a RBA or how a RBA was implemented, e.g. in terms of programming. There are few evaluations of the impact of these efforts and, given the structural and long-term issues being addressed, it will necessarily take time for some of the intended benefits to be manifest and measured.

Annex: Organizations and Interviews

Organization   Interviewed

ESCR Groups - International

American Assoc of the Advancement of Science (AAAS)   Audrey Chapman
Asia Forum for Human Rights
Center for Economic and Social Rights (CESR)   Roger Normand
Center on Housing Rights and Evictions (COHRE)   Scott Leckie
ESCR-NET (NY)   Julian Liu
FoodFirst Information and Action Network (FIAN)
International Federation of Human Rights Leagues (FIDH)
International Human Rights Internship Program (IHRIP)   Ann Blyberg
Plataforma Interamericana de Derechos, Democracia y Desarrollo
Social Watch (Uruguay)
Terres de Homme (TdH)

ESCR Groups-National

Association Pro-Derechos Humanos (APRODEH - Peru)
Center on Rights in Accomodations (CERA - Canada)   Bruce Porter
Centro de Asesoria Laboral (CEDAL - Peru)
Centro de Derechos Economicos y Sociales (CDES - Ecuador)
Centro de Estudios Legales y Sociales (CELS - Argentina)
Colectivo de Abogados "José Alvear Restrepo" (Colombia)
Comision Colombiana de Juristas (CCJ - Colombia)
Jerusalem Center for Social and Economic Rights (Israel)
Land Center for Human Rights (Egypt)
Philippines Human Rights Information Center (PhilRights)
Programa Venezolano de Educación-Acción en DD.HH. (Provea)
Social and Economic Rights Action (Nigeria)

Development Organizations

Action Aid	Irungu Houghton
CARE	Andrew Jones, Paul O'Brien
Catholic Relief Services	Kathy Salvaggio
DFID	Phil Evans
FXB Center – Harvard	Steven Marks
Human Rights Council of Australia	Andre Frankovitz
Human Rights Watch	JoAnne Csete
InterAction	Jonathan Zarafonetis
International Center for Law and Development	Clarence Dias
International Rescue Committee	Margret Green
Medicin Sans Frontiers	Anonymous
Oxfam-UK	Tricia Feeney
Oxfam-USA	Cathy Ross, Keith Slack
PLAN International	Lisa Woll
UNHCHR	Mac Darrow, AmparoThomas
UNICEF	Dorothy Rozga
UNDP	Thord Palmlund, Patrick van Weeralt

Other Interviews

Dorothy Thomas
Hanne Lund Madsen
Lynn Freedman
Maria Green
Susan Holcombe

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