

The Rights-Based Approach: Organizational Implications

Boris Diechtiareff

The rights-based approach (RBA) seems to be the hot topic of the moment in the development community. What is it about this approach that makes it so appealing, and yet so difficult to implement on the ground? The main challenge might relate to its comprehensiveness, in the sense that it involves more than simply mainstreaming human rights into development, it requires treating respect for human rights as constitutive of development itself, and not just a way of achieving it. In other words, in a rights-based approach the process of development should follow a number of human rights principles, including non-discrimination, equity, participation, accountability, and respect for human dignity. It is not surprising then that such approach overwhelms most development and human rights practitioners—yet, it would be difficult to argue against it.

In this review, we will look first at the organizational implications of the rights-based approach by analyzing a series of articles and reports on the subject. Then, in a second part, we will take on the challenge of identifying some of the organizational changes necessary when adopting a rights-based approach.

What obstacles is a rights-based approach up against? According to the political scientist Elinor Ostrom, in a report commissioned by the Swedish Development Agency (Sida), the introduction of RBA often faces a series of “unfavorable institutional circumstances.” In her view, foreign donor institutions create many development problems by causing perverse incentives for local actors to engage in collective action. She identifies two sets of basic incentives problems: *motivation* and *information problems*. Problems of motivation include: those involved with public goods (when an individual’s consumption of a good is not affected by his or her contribution to producing the good, creating an incentive to free-ride); common-pool resources (when one person’s use does subtract the resources available to others, thus, without effective institutions, too many users are likely to “overharvest”); and finally, the Samaritan’s Dilemma (when Samaritans are faced with the puzzling problem that their best strategy is always to extend help, but reciprocating with high effort is not the best strategy for the recipient). Missing “asymmetric information” also seems to generate poor incentives, including: principal-agent

Boris Diechtiareff is a second-year MALD student at the Fletcher School who has been studying UNICEF’s efforts to apply a rights-based approach at the project level in Brazil.

problems (when subordinates know more about what they do than their superiors, possibly creating a situation where the goals of subordinate and superior differ); moral hazard problem (when individuals are guaranteed a benefit or protected against loss once an initial contract has been entered, regardless of whether they take the proper level of effort to realize the benefit or avoid the loss); and last but not least, adverse selection problems (when information is hidden and leads to the selection of the worst individuals or components, creating a situation where bad projects begin replacing good projects). Overall, she paints a fairly grim picture of donor-recipient relationships that results from a lack of awareness of these incentive problems. Although she does not refer to RBA in her report, it is obvious that these *motivation* and *information* problems also represent a potential barrier to the implementation of a rights-based approach. Unfortunately, these are not the only obstacles to RBA. In fact, Laure-Helene Piron and Julius Court in an evaluation of the influence of two policy documents issued by the Swiss Agency for Development and Co-operation (SDC) providing human rights guidelines and a conceptual framework for rule of law, identify other challenges to the application of a RBA. Their evaluation shows that the production and distribution of guidance documents is not enough when trying to change policy orientation (within SDC and externally). It also brought to the surface widespread staff dissatisfaction with such reports. In fact, many SDC staff members interviewed during the evaluation complained about policy overload and lack of prioritization in the production of “too many reports with limited operational relevance.” Such complaints are hardly surprising. In a report entitled “A Human Rights Programme Review of UNDP,” Nadia Hijab hints to the existence of a similar problem at UNDP prior to their decision to adopt a rights-based approach in 1999. She explains that the introduction of RBA at UNDP, together with simplification processes, led to the elimination of many formal requirements such as country program reviews, project tripartite reviews and mandatory evaluation of programs above one million dollars. Although she praises these simplification efforts, she shows that UNDP’s decision to mainstream human rights into the work of UNDP through training and guidelines did not produce the desired results. She recommends UNDP to follow UNICEF’s approach and move away from human rights guidelines and training, and ensures instead that human rights are incorporated in organizational policies and procedures and in regular training.

Of all these authors, Robert Chambers is the one who provides the most comprehensive and in depth analysis of the organizational implications of a rights-based approach. In his article entitled “The New Dynamics of Aid: Power, Procedures and Relationships,” he identifies a major “gap between words and actions” when it comes to shifting emphasis from project and service delivery to a language of rights and governance. He argues that *empowerment* is still controlled from above as aid agencies impose conditionalities at the same time as they preach empowerment. *Accountability* that should be two-way—up and down—the aid chain, in practice only goes up. *Ownership*, which implies national and local autonomy is too often limited by aid agencies’ influence on policy, human rights and governance. *Partnerships* are highly unequal as aid agencies usually call the shots. *Participation* is often overstretched as everything is described as being “participatory.” And finally,

transparency, which implies information shared between “partners” and accessible in the public domain is often elusive as aid agencies and governments keep much of the information to themselves. He goes on to describe a series of current practices that maintain this gap such as: hierarchy in organizations; top-down development targets and pressures to scale up programs; dominating behavior associated with creditor-debtor and donor-recipient conditionality; drive to disburse funds by deadlines and within fixed periods; misleading and over-favorable information passed up the chain; excessive time spent reporting; and finally, staff disempowerment and demotivation because of their lack of discretion. He also points to a series of traditional obstacles to change at the individual level (risk-aversion, extra work, habit, conditioned staff, vested interests and power). Although he sees some encouraging changes on the part of aid agencies he wonders whether they are only a passing trend. In his view, in order to make these changes real, a transformation in power relationships must be undertaken—putting concepts of trust, accountability and partnership into practice—by promoting congruence and consistency between personal behavior, organizational norms and development objectives. He then distinguishes the five basic principles that help create the conditions for sustainable change: personal development, organizational learning, reciprocal relationships, mutual accountability, and joint negotiation of the process.

Although it is not the purpose of this review to analyze in great detail all the arguments made by each one of these authors, it is difficult to be indifferent to Robert Chambers’ breath of analysis. His recommendations are as appealing as they are ambitious—or some might argue, utopian. Does a rights-based approach require such a “perfect” organizational environment? Probably not. Precisely what makes the rights-based approach so attractive is that the process—as imperfect as it might be—is what matters the most. So what would need to change in the processes and practices of development actors in order to implement a RBA? I would argue that what is needed the most is a change in mentality on the part of senior officers inside development organizations who have lost touch with the realities on the ground. In order to do so, they have to restore the most important element of any healthy human interaction, that is: mutual-respect, as it is only in an environment characterized by a deep belief on the ability of aid beneficiaries to guide and control their own development that a RBA is able to flourish. This vision also has to acknowledge the fact that empowerment only comes from within and thus cannot be forced from outside. If that is true, the only viable thing to do for a development organization is to create an environment conducive to empowerment and participation, and then, allow for the development process to follow its course as freely as possible.

Overall, a rights-based approach seems to require more creative thinking and a higher degree of risk-taking. At the organizational level this might mean hiring people with more diverse backgrounds (including people with prior local government and/or private sector experience), putting more emphasis on participatory processes and rewarding staff for building strong partnerships on the ground, and creating a more dynamic environment conducive to learning, feedback and innovation. This is easier said than done, and yet, there might be no shortcut. In the words of Robert Chambers, “narrowing the gap between words and actions by

acknowledging and transforming power relationships is a long term process that requires work at multiple levels”—and that is precisely what a rights-based approach is intended to do.