

# Rights-Based Development

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One of the fundamental challenges to rights-based development is that an honest attempt to incorporate rights goals requires individuals and organizations to radically change their attitudes. Challenging humanitarians and development professionals to critically reflect on their own role in the denial of rights and perpetuation of inequitable power structures is a tough one, particularly when many of them (us) are in the business of pointing out the failures of others. This is not to suggest that lengthy conversations about the potential harm of international intervention fail to occur within these organizations, but I am unaware of an explicit attempt by an organization to tackle the hard ethical questions that arise when an intervention shifts from needs-based to rights-based. We move from gift bearers, and the power associated with that role, to facilitators of a process between rights-bearers and duty-bearers. Our potential for power declines as we recognize the insignificance of our presence in the long-term. For agencies that adopt a rights-based approach and subscribe to the values inherent to this process, frank discussions between all stakeholders regarding attitude shifts are necessary if the rhetoric is going to turn to practice.

Slim argues that one of the historical barriers for shifting to rights-based programming is the effectiveness of ‘pushing the philanthropic button’ by portraying people as victims in global fundraising efforts. There are two issues raised by this illustration. First, organizations that adopt RBA may face challenges in securing stable funding, unless they rely on histories of charitable giving and reputation with donors that support a continued flow of funds or are able to solicit support for the new approach. Second, the fact that we are less willing to financially support the demands of rights-bearers is linked to some extent to a fear that these individuals may one day also begin demanding something from us. The willingness to sacrifice something in order to achieve greater equity is questionable unless it can be visibly linked to personal incentives or other tangible outcomes - such as increased stability or economic development that supports the non-poor as well as the poor. Frankovits claims that the World Bank provided ‘safety nets’ following the Asian economic crisis in order to prevent potential conflict, which would erode economic progress, not because the Bank was interested in supporting the poor. At the same time, it could be argued that we will never stop looking after our

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own interests, and the best strategy is to achieve some of these while simultaneously working toward poverty alleviation and rights goals.

Slim brings up education a great deal, both directly and indirectly. He discusses the need for the ICRC to educate NGOs (and for them to educate themselves) about International Humanitarian Law, for agencies to educate donors (citizens and governments alike) to shift thinking in order to remove the '[scales] from most western eyes to see the equality that exists between people,' and the role for humanitarians to facilitate discussions about laws that protect the rights of the rights-bearers. Frankovits expounds upon this by highlighting the importance of informing the rights-bearers of the particular obligations the duty-bearers have toward them. He calls for an increase in awareness of the international human rights framework as a starting point for discussion.

All of this is learning is important, but the wheels of the donor machine push for action, not learning. Perhaps we need to focus on providing concrete incentives to those in control of the shoe-strings (i.e. bi-lateral donors) that support the time and resources necessary for learning. Many organizations that are moving toward RBA are realizing that they do not have the advocacy and research skills to be effective, and yet are struggling with securing the long-term program funding necessary to gain these skills and incorporate these strategies into their organizations. CARE Sri Lanka is attempting to work with partners in order to gain access to research and advocacy knowledge from other organizations, precisely because funding for these activities is difficult to obtain. The advantage of this approach is that CARE opens itself up to learning on two different levels. Not only are they introduced to context-specific approaches to research and advocacy, but positioning themselves as the 'learner' in these partnerships may change how they interact in partnerships where they play the lead role. This learning curve would be even more effective if the partner were a southern NGO, a potential which CARE is exploring in Sri Lanka. Since developing equitable partnerships is a leading principle in CARE's RBA approach, this learning can potentially strengthen their rights-based practices.

Van Weerelt is convinced that a rights-based approach will achieve better analysis, more focused interventions, enhanced ownership, democratic processes, and facilitate better identification of outcome indicators. These outcomes seem very similar to those attributed to other development approaches, without any discussion of how adherence to rights values will create the impetus for practitioners to develop rights-based processes which may achieve rights-based development. Instead, the jump was made from theory to the ideal, without any meat in between. The RBA scale developed by CARE provides some guidelines for operationalizing RBA goals, but it will be necessary for each project or country office to develop a series of processes that follow these guidelines, in order to put policy into practice.

The biggest question is how to turn our changing vocabulary on paper into changes in practice. There will be many cases where rights-based language is used, without the corresponding practice to support rights goals. Part of this is because we want to believe that we have been supporting RBA all along, and yet I would argue that we rarely do this. Increased participation, social mobilization, and rights awareness (universal rights or community-defined rights?) are pieces of the

puzzle, but without a simultaneous strategy for advocating with duty-bearers to support the realization of these rights, the job is only half done. Another dilemma also arises: how do we move forward with RBA in contexts such as Rwanda where the language itself has to be modified in order to protect organizational goals? Does the staff hold discussions about the softening of the language in order to facilitate their work, or are these conversations neglected and practitioners shift back into the more comfortable roles associated with the softened public stance. I do not discredit the integrity of humanitarian and development professionals, but rather acknowledge the extremely difficult challenge we all face when asked to relinquish power, prestige, and recognition.

My limited experience with rights-based approaches in Sri Lanka revealed to me that NGO staff often believe that they are supporting RBA, and yet are unable to define how these strategies differentiate from previous practice. What are the rights to be addressed? How were they defined? What are the local policies/laws that govern accountability of the duty-bearers to recognize these rights? What is the capacity of these institutions to do this? What are the incentives for the duty-bearers to engage? What are the incentives for the rights-bearers to engage in risky activities? What level of trust exists between all of the stakeholders? Perhaps even most importantly for INGOs struggling to define their new role in the RBA construct, how do we balance service delivery and rights-based programming? How do we gain credibility as advocacy organizations?

In order to really move forward with achieving rights-based development we will have to not only speak to the duty-bearers and rights-bearers, but facilitate processes that include both of the actors in joint processes that highlight the benefits of rights realization. For example, how beneficial is a social mobilization process that educates rights-bearers on the obligations of the duty-bearers, if the duty bearers are left out of the process? Can we assume that duty-bearers understand the benefits of participation (i.e., that there are benefits that do not threaten their own power), and that they understand their obligations to the people (particularly at local levels, where they may have limited capacity to act)? We often work off the assumption that the state rejects community participation because it is threatening, and yet we have to analyze additional reasons for this reluctance. In local government offices, which might most directly benefit from participating in social mobilization processes, they might not have the capacity themselves to deliver on people's rights.

There is a danger that we end up with pretty language to satisfy the donors and justify policy shifts, but staff in the field are left with few concrete examples of how to move forward. To give an example, in a project initiated by CARE in Sri Lanka to mobilize communities into developing CBOs that implemented micro-projects in partnership with CARE, the communities often began raising questions about how to access birth certificates or register their land. For many CARE field staff, they were following a rights-based approach by facilitating discussions between community members and local district officials, or supporting them in writing letters to demand attention to community issues. For others (primarily staff in the head office), these efforts were not applying enough pressure on the duty-bearers to provide a sustainable change in the realization of human rights.

The DFID process of developing RBA is quite interesting, in that there was political support for the idea from the Secretary of State. Her support for poverty reduction and human rights pushed the agenda, which might serve as a lesson for advocating with other political leaders with influence over USAID, CIDA, and other influential donors to consider supporting RBA. This report introduced the existence of two different approaches to including rights in development, i.e. the 'human rights' approach and rights-based approach. It would seem that not only is the 'human rights' approach too strictly tied to legal norms, but also inherently more oppositional to the duty-bearers. Internal bickering, loss of a key proponent of the strategy, and perhaps even lack of clarity over concrete goals led the DFID strategy to be less effective than its original potential.

One fascinating point made by Piron was the discussion of how the right to development has been interpreted by some to include the right to international assistance. DFID's response is to highlight the obligations of the state to realize human rights, and yet this raises the question of whether donors have not created a situation where they have become duty-bearers by virtue of shaping national development plans, dictating the prioritization of activities, and introducing various forms of conditionality on aid recipients. Another interesting point raised in the report was the tendency of DFID to use human rights as an instrument for achieving poverty reduction, which has effectively sidelined the rights focus as simply a tool for development goals.

Frankovits' discussion of accountability shines the spotlight on the role of donors, and he provides guiding principles to be included in a complaint mechanism to be incorporated into the development assistance process. In the end, however, he allows that not every donor should develop such a mechanism and leaves the ultimate development of the process in the abyss of vague language. Who is going to push the donors for this to happen? Frankovits also believes that the rights-based approach, and its corresponding focus on uniform standards as enshrined in international human rights law, may be leading us toward improved coordination in the field. I do not share the same optimism as Frankovits for improved coordination, nor am I convinced that uniformity of approaches or standards is always the best for change that targets specific needs, rights, and contexts. The movement toward rights-based development could potentially bring us closer to realizing empowerment, opportunity, and security—the pillars raised by the World Development Report 2000/2001. As with other strategic shifts in thinking, however, the success of RBA will be determined to no small extent by the negotiation of rights-based goals between the rights-bearers, duty-bearers and intermediaries (SNGOs/NNGOs/donors), the development of concrete strategies to achieve these goals, space created for a learning agenda, and the commitment of bi-lateral donors. The last point, however, requires demonstrating incentives for 'right' behavior on the part of those in power—a dilemma, which can require certain levels of compromise in order to achieve the smallest of gains.