

Towards a Theory of Change: Human Rights and Development in the New Millennium

COST ACTION IS 0702: The Role of the EU in UN Human Rights Reform

Working Group II on Human Rights and Development Tools

AHRI members of COST Action IS 0702 on the role of the EU in UN Human Rights reform have established since 2009 a specific Working Group II of researchers focused on the sub-topic of human rights and development tools, including a particular focus on EU and UN institutions.

The major output of this work is an edited volume: *Towards a Theory of Change: Human Rights and Development in the New Millennium* (Routledge, 2013).

In addition to this, the team has prepared a series of policy briefs to help translate the research findings into concrete recommendations for European, UN and other development policy makers.

The added-value of this research is that it employs a *theory of change framework* in the analysis of how human rights inform development work at local, national and international levels. The contributions ask how the expansion of human rights into development work affects *organisational and operational change* and investigates the role of different actors in bringing about change.

The Working Group believes this research can inform key EU and UN policy instruments such as the EU Agenda for Change, the EU Strategic Framework and Action Plan on Human Rights and Democracy, and the UN Development Group's Human Rights Mainstreaming Mechanism.



The Human Rights Based Approach and Development Agendas: Bridging the Gap

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A human rights-based approach (HRBA) to development is a cross-cutting approach that can strengthen commitments in the field of development by underpinning these with a universal standard of achievement for both process and outcome. The HRBA also has a legally-binding basis that can help protect people from harms as they move towards the realisation of the right to development. This policy brief will give a summary of how the HRBA and current global development agendas are complementary and mutually reinforcing. It will also highlight some ways in which current global development agendas are being used to harm or ignore human rights. Finally, some policy recommendations will be offered on how to realise the various development agenda commitments on human rights.

Defining the HRBA:

The human rights-based approach emerges out of state obligations to respect, protect and fulfil human rights for all. The HRBA puts the realisation of human rights at the forefront of state development objectives. The HRBA recognises individuals as rights-holders with clear entitlements rather than as passive beneficiaries. The HRBA also emphasises the role of state actors (both donors and aid recipients) as duty-bearers with legal obligations to fulfil these human rights, including without discrimination. Human rights should be respected in both the process of development and in the outcomes of development efforts. The capacities of both rights-holders to claim and duty-bearers to fulfil human rights in development should be strengthened.

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COST (European Cooperation in Science and Technology) is one of the longest-running European instruments supporting cooperation among scientists and researchers across Europe, and is mainly supported by the European Union's 7th Framework Programme for Research and Technological Development. (<http://www.cost.eu>)

AHRI (Association of Human Rights Institutes) consists of 43 member institutions based in Europe that carry out research and education in the field of human rights. (<http://www.ahri-network.org>)

http://www.cost.eu/domains_actions/isch/Actions/IS0702

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The HRBA is comprised of key guiding principles, derived from international human rights law, which should shape policies of both donors and aid recipient states. These include obligations to:

- ensure that development does not directly or indirectly discriminate against any person or group;
- enable the participation of affected rights-holders in decision-making on development policy and in all stages of the development programme cycle;
- be accountable to rights-holders for protecting human rights in development processes and outcomes.

This approach is rooted in the core purposes of the UN Charter, which commits UN Member States "To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights" (article 1.3).

The MDGs and PRSPs:

The Millennium Development Goals (MDGs) are closely aligned with human rights standards. Although the Goals themselves are not expressed as human rights, the MDGs stem from the Millennium Declaration (2000), wherein the commitment of states to human rights is affirmed:

We will spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development (V. para 24).

The correspondence of the Goals to human rights standards is strongly evident. Goal 1 is to eliminate extreme poverty and hunger, thus fulfilling human rights to an adequate standard of living and to food. Goal 2 on access to universal primary education

fulfils the right of every child to free primary education. The goals on child mortality, maternal health and conquering diseases like HIV and malaria can all contribute to the realisation of the right to health.

There is very little evidence that states are integrating the HRBA into their MDGs policies. The great risk in the rush to meet 2015 expectations is that states will misguidedly adopt quick-fix strategies that increase inequalities or harm the most vulnerable. The MDGs' narrow focus on top-down statistical objectives and set indicators can obscure the human rights dimensions of poverty.

Policy recommendations: Ensure an HRBA through the participation of rights-holders in MDG planning and evaluation. Establish accountability mechanisms for MDGs policies, including enhancing the existing role of National Human Rights Institutions (NHRIs) and legal empowerment of the poor. Adopt impact assessments that investigate discrimination and other harms potentially resulting from MDG-related policies. Integrate human rights-based indicators into MDGs measurements.

The Poverty Reduction Strategy Papers (PRSPs) intend to be driven by a pro-poor focus with an emphasis on participation of the poor in affected countries in devising the poverty reduction strategies. The HRBA can help reinforce this intention by placing rights-holders at the centre of poverty policy. PRSPs also focus on the 'long-term perspective' for poverty reduction, to which the HRBA can contribute by ensuring that policy interventions address structural inequalities and do not create new and unwanted instabilities caused by human rights violations.

Policy recommendations: Several core principles shape PRSPs in a way that can be consistent with the HRBA. The 'country-driven' principle calls for 'broad-based participation of civil society', which should be reflected in national legislation that guarantees the right to participate in PRSP decision-making for affected rights-holders.

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'Results-oriented' outputs that benefit the poor can be best met by ensuring that results are not just short-term but focused on long-term transformation of inequalities by addressing non-discrimination and fulfilling participation rights. The 'comprehensive' content of the PRSPs can benefit from the HRBA situation analysis used to identify the multidimensional aspects of poverty, including root causes and links between human rights violations.

The Global Aid Effectiveness Agendas:

The Paris Declaration on Aid Effectiveness, the Accra Agenda for Action and the most recent Busan Partnership for Effective Development Cooperation share core principles that are also compatible with the HRBA.

Evidence also suggests, however, that states can use these same principles to push human rights out of the picture. For example, the emphasis on **ownership** of national development strategies is rooted in the human rights to self-determination, to development and to participate in public affairs held by all citizens of aid recipient states. Some governments, in contrast, have used the ownership principle as a pretext to exclude or restrict foreign funding to domestic human rights organisations, as witnessed, for example, in Ethiopia, Cameroon and India. Such provisions can severely weaken domestic accountability mechanisms and narrowly circumscribe 'ownership' in the hands of the state elite.

The principles of **donor alignment**, **harmonisation** and **inclusive development partnerships** can be reinforced by shared global commitments to realise human rights in individual states and through international assistance and co-operation (see also the Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights (2011)). These standards are embedded in national laws to which all donors should adhere.

Human rights-based indicators can bolster conventional data collection to better evaluate **results** in the process and outcome of development. Such indicators can highlight impacts and progress for the most marginalised and unintended effects of development on different dimensions of poverty, such as access to justice or labour rights. Moreover, the HRBA raises expectations that development results are entitlements, not just outcomes.

Finally, the principle of **mutual accountability** is essential in the HRBA, where accountability of states to citizens is a necessary condition for fulfillment of rights. Human rights create mechanisms, such as democracy, freedom of expression, and rule of law, that enable this accountability. These same mechanisms can help to hold donor states accountable to aid recipient states.

There is no shortage of recognition within the aid effectiveness agenda that human rights are at the heart of development. The Accra Agenda moved beyond the implicit assumptions of the Paris Declaration and made an unequivocal statement that:

Gender equality, respect for human rights, and environmental sustainability are cornerstones for achieving enduring impact on the lives and potential of poor women, men, and children. It is vital that all our policies address these issues in a more systematic and coherent way. (para 3)

The Busan Partnership reaffirms this and further declares that:

[W]e will rethink what aid should be spent on and how, in ways that are consistent with agreed international rights, norms and standards, so that aid catalyses development. (para 28)

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The Doha Financing for Development Review conference also expressed support to human rights, calling for “respect for all human rights, including the right to development” (para 2). Even the G-20 outcome documents have noted human rights: most recently in Los Cabos, Mexico, the G-20 gave special attention to labour rights and gender equality in their prescriptions for global economic recovery.

The HRBA provides a pathway for these commitments, one that is rooted in legal obligations and which offers ready operational guidelines for development cooperation.

Policy recommendations: Ownership principles in development aid need to be translated into participation mechanisms accessible by rights-holders, in particular, the most marginalised. To achieve results in eradicating poverty and reducing inequality, long-term interventions will be needed, and project cycle management will need to be adapted accordingly. The measurements used to assess results will need to examine root causes of poverty and inequality, such as various forms of discrimination. Accountability to rights-holders must be assured through, *inter alia*, transparency, human rights-based indicators, access to information, participation and adequate mechanisms of redress and remedy.

Far from disappearing from international aid agendas, human rights have remained a steadfast component of such declarations for well over a decade. In order to give effect to this recognition of human rights in development, the HRBA needs to be better operationalised across donor and aid recipient countries’ policies and programmes. The HRBA is also an important tool for achieving the core principles in the aid agenda and for ensuring that these are not misused by states.

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