



# Who practices rights-based development? A progress report on work at the nexus of human rights and development

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## ABSTRACT

Human rights-based approaches to development have attracted practitioners' support and scholarly interest for at least 20 years. After two decades of interest, how are they being implemented? This paper is an update and re-assessment of the record of development and human rights agencies' involvement in human rights-based work on development policy. We find that some development agencies have adopted rights-based approaches and made systematic changes in practice, but the rhetoric has far exceeded substantive changes. Drawing on documentary evidence and the extensive literature, we analyze the factors constraining implementation in development agencies (political, conceptual and organizational), and document broader, more transformative changes among human rights NGOs. Their expanded work on development policy issues has featured new research and advocacy agendas, the embrace of new skill sets, significant new methodologies, and the formation of many new, specialized agencies that provide much of the dynamism in the human rights-development interactions. The findings suggest that we need a careful assessment of the extent of "rights-based" work among development funders and NGOs, and its impact; and they highlight the increasingly influential role that human rights NGOs play in framing and influencing important social, economic and environmental policies.

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## 1. Introduction

The London-based Overseas Development Institute published a Briefing Paper in 1999 that asked: "What can we do with a rights-based approach to development?" Today, that question remains central in discussions of the relationship between human rights and development practice, and it echoes in the human rights community, where observers puzzle over the often enthusiastic declarations by development agencies that they, too adhere to a "rights-based" approach.

This paper assesses the shape the human rights-development nexus has taken in the past decade. Are development agencies embracing human rights-based strategies in order to make substantive changes in the practice of development cooperation, or is it a fad in development practice (Nelson & Dorsey, 2008), or a move to occupy the moral high ground that human rights discourse offers (Uvin, 2002)? Examining recent work in both sectors, we see more dramatic changes among human rights agencies than among agencies in development. Some development actors have embraced human rights language and a few have made significant

efforts to use human rights analysis and strategies to define project and advocacy priorities. But we will show that the label "rights-based" has also been applied so freely in development that it has generated skepticism about the value of rights-based approaches.

Human rights organizations, we find, have made changes that signal more durable transformation. More big international human rights actors (UN agencies and NGOs) have broadened their agendas to include work on economic, social and cultural rights (ESCR), and several new or expanded NGOs or networks now work on ESCR. They have developed promising methodologies, advocacy strategies and skills, criteria and methods for judging country performance and effort, and have deepened their ties to social movements and local human rights advocates. These moves, we suggest, show that human rights agencies are the ones consistently doing 'rights-based development' on a significant scale.

The article is in six sections. The first section discusses background to the human rights and development sectors, and methodology. Section two discusses the human rights and development sectors and their shifting boundaries and section three examines the rights-based approach and the phrase's many meanings. We argue for a definition that allows us to examine NGOs' and donors' practice. Sections four and five examine, in turn, development and human rights agencies, and the final section analyzes the major visible changes in the sectors.

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## 2. Background, the two sectors, and methods

In a 2003 article in this journal on the growing *nexus* of human rights and development practice we argued that there was a growing interaction between the human rights and development sectors, and that changes in practice in the two sectors had the potential to transform both fields and advance struggles against extreme poverty, inequality and patterns of rights violations (Nelson & Dorsey, 2003). The prospect of a deep integration of human rights and development practice had (and has) important implications: human rights standards and principles could be the basis for a stronger alternative to neo-liberal development, and expand the methods available to organizations in each sector, with potential for larger, better coordinated and potentially more effective advocacy. Development NGOs were perceived by many to be too closely tied to donors' interests (Banks, Edwards, & Hulme, 2015), and human rights agencies needed to respond to calls for an effective response to the economic and social root causes of human rights abuses. Collaboration had the potential to benefit and even transform both sectors.

Scholars and practitioners writing in the early and mid-2000s argued that infusing human rights principles into development practice could have profound effects on development practice's accountability; on advocacy movements' influence; and on the impact of project and program work. Accountability would be deepened by anchoring development work in human rights principles and standards, rather than in ad hoc goals (UNDP, 2000; Nelson & Dorsey, 2003; Health GAP 2006; Theis, 2003; Nelson, 2007; Sano, 2014). With their basis in international law, human rights standards and principles gave advocates new norms of legitimacy and measures of accountability for work on economic and social policy (Nelson & Dorsey, 2008; Gready & Vandenhole, 2014a; Gready & Vandenhole, 2014b), and a basis for work on new areas of human rights guarantees and emerging issues such as access to information, the right to water, and environmental rights. Finally, human rights offered ways to enrich and improve development projects and programs through strategies that address patterns of discrimination and exclusion and that built the capacities of communities to insist that states deliver on their human rights commitments (Pratt, 2003; DFID, 2000; Sida, 2001; Harris-Curtis, Marleyn, & Bakewell, 2005; Rand, 2002; Jones, 2000; Gready & Vandenhole, 2014).

The authors are researchers who work, teach and research on development, environment and human rights. Guided by our experience and direct engagement with some human rights and development agencies, we carried out a scoping review of the

rights-based development experience. A scoping review, as described by Levac, Colquhoun, and O'Brien (2010), is a method that permitted us to review both published and grey literature as well as documents of the agencies studied, to "convey the breadth and depth of [the] field" and to engage with the literature analytically (p. 69). The research, carried out during 2013–2015, draws on two sets of sources: (1) We reviewed publications and web-based materials of the leading agencies working internationally at the nexus of human rights and development. These include eight international development organizations identified by scholars in the 1990s as leading adopters of rights-based approaches (two United Nations agencies, two bilateral donors, and four international NGOs); three of the largest international human rights NGOs; and a set of smaller, specialized human rights NGOs working on economic and social policy issues (these are listed in Table 2).

(2) We conducted a review of the literature published since 2000 on development policy, human rights-based approaches, and on innovations in the human rights sector. We searched both the grey and scholarly literature including agency reports, books, and scholarly journals in international affairs, human rights, development and nonprofit studies, for references to themes and keywords such as rights-based; human rights; development; economic, social and cultural rights; and more specific themes that emerged during the research.

### 2.1. The sectors: human rights and development

In the 1980s, human rights and development were almost entirely separate organizational fields, with little significant interaction (Rodríguez et al., 2004). The two columns in Table 1 could be separated by a solid vertical line with relatively few exceptions. Organizations' missions, their principal allegiances, professional training, methods and sources of funding all contributed to what Grugel and Piper (2009) describe: a situation of "very little dialogue" between specialists and organizations, in which the "meeting point between rights and development was, even 15 years ago, far from obvious" (p. 82).

But in 2016 there is evidence of some crossover by development organizations, and quite a lot of venturing into development policy by human rights agencies, including innovations that promise to change significantly how human rights work on ESC rights is done. Much of this work has been happening in newer, smaller specialized human rights organizations and in social movements that have grown to become formal organizations. In effect, the boundaries between the two fields are shifting. Human rights organizations, particularly NGOs, have taken up work on social policy and

**Table 1**  
NGO Sectors and their Core Characteristics: the traditional divide.

	Human rights	Development
Mission	Promote and protect internationally recognized human rights; document and act to redress violations	Advance well-being and dignity of vulnerable groups; respond to emergency needs
Allegiance and standards	Internationally recognized standards: civil and political, economic, social and cultural human rights	Meeting basic human needs, promoting human development; cost-effectiveness; popular participation
Methods	Investigation and documentation; HR education; advocacy as core activity; litigation; partnerships as solidarity, 'mobilizing shame'; advocacy on policy; advocacy on specific violations or patterns of violations	Programs, projects with time horizons; advocacy complements services; partnerships as capacity building; emergency humanitarian relief; mobilizing compassion; advocacy on policy
Resources	Foundations; individual memberships	Donor governments, individual members; foundations
Professions	Legal profession, social disciplines, especially political science	Economics, social disciplines, area studies; agronomy, engineering, public health and other specializations

Adapted from Nelson and Dorsey (2008).

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