



**OPERATIONALISING NORWEGIAN PEOPLE'S AID'S
RIGHTS-BASED APPROACH**

**A review of lessons from international non-governmental
organisations of relevance to Norwegian People's Aid's
adoption of a rights-based approach**

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Acronyms

CCD	Community Capacity Development
CRC	Convention on the Rights of the Child
CRP	Child Rights Programming
DFID	UK Department for International Development
EU	European Union
ILO	International Labour Organisation
INGO	International non-governmental organisation
M&E	Monitoring & evaluation
MDG	Millennium Development Goal
NGO	Non-governmental organisation
NPA	Norwegian People's Aid
ODI	Overseas Development Institute
RBA	Rights-based approach
SCF	Save the Children
SDC	Swiss Agency for Development and Cooperation
UNICEF	United Nations Children's Fund

Executive summary

The aim of this review is to synthesise findings on the adoption of rights-based approaches by international non-governmental organisations in order to inform Norwegian People's Aid staff on how best to approach this issue. It was undertaken by the Overseas Development Institute.

Key messages of the review are summarised in Box 1.

Box 1 Summary of main lessons
<i>On strategy</i>
<ul style="list-style-type: none"> • Rights-based approaches have helped strengthen the coherence and transparency within organisations. Clearer conceptual thinking on issues such as accountability, power and participation can have significant programming outcomes. • A RBA helps move from 'passive beneficiaries' to 'active citizens' and implies greater attention to advocacy and capacity-building. • A RBA requires clarity in operationalising the principle of accountability, taking both local realities and human rights standards into account. It forces engagement in politics and power relations. • There can be tensions between a RBA and the goals of a solidarity organisation, when partners are not themselves committed to a RBA.
<i>On programming</i>
<ul style="list-style-type: none"> • A decentralised approach to RBA programming can result in a stronger sense of ownership and more creativity, but also in a lack of coherence. • Tools and methodologies are needed to assist country programmes with rights-based programming - human rights standards and principles can be applied in all aspects of planning, programme design, implementation, and monitoring and evaluation • Monitoring and evaluation should not be separated from other elements of rights-based programming. • Monitoring indicators need to measure both process and outcome. A consultative process for the design of indicators is effective and helps to build capacity.
<i>On partnerships</i>
<ul style="list-style-type: none"> • A RBA should be built into current work, based on existing partners, which recognises the value of historical relationships while at the same time involving the phasing in of new projects, experiences and competencies. • There is a need for contextual risk assessment of the potential impact on partners who engage with a RBA. • Analysis of a southern partner's own conceptualisation of rights can pre-empt possible culture and value-based tensions.
<i>On managing change</i>
<ul style="list-style-type: none"> • Significant organisational changes are needed to align new agendas, planning processes and approaches, while steady and stepwise organisational changes are more sustainable than rapid forced changes. • The promotion of integrated and cross-sectoral ways of working can help promote understanding of RBAs • A RBA requires a different skills base with more of an emphasis on analytical than on technical skills. • A RBA requires respect for rights and diversity in the organisation itself.

On 21 January 2005, ODI facilitated a workshop at NPA (see Annex IV). Following an introduction to RBAs and sharing the findings of the review of INGOs, a facilitated discussion covered the following themes:

1. NPA mandate
2. Organisational change
3. Technical issues, such as the need for adequate tools
4. Country contexts and country offices
5. Partnerships
6. Service delivery and humanitarian assistance

The final session also discussed possible next steps. Recommendations included:

1. Introduce a change management process and set up a small team to carry it forward
2. Set milestones and measure institutional progress (in particular towards the National Congress and the Norad framework evaluation)
3. Develop a shared understanding of NPA's RBA by communicating it clearly
4. Build staff capacity
5. Develop and use amended tools and procedures
6. Set a system to learn internally

1 Introduction

The aim of this review is to synthesise findings on the adoption of rights-based approaches (RBAs) by international non-governmental organisations (INGOs) in order to inform Norwegian People's Aid (NPA) staff on how best to approach this issue. It was undertaken by the Overseas Development Institute (ODI) Rights in Action Programme (www.odi.org.uk/rights).

In December 2003, NPA issued a new policy document defining its strategic direction for the next five years entitled 'Policy and Strategy for NPA International Development and Humanitarian Work, 2003–2007'. This document sets out NPA's values, its commitment to a rights-based approach, and its work, primarily with rights-based local partners. Since its official adoption of a RBA, a major challenge for NPA has been *how* to put its policy statement into practice. This review provides lessons from a selection of INGOs that have faced similar challenges.

Box 2 NPA's objectives

NPA's long-term objective is to the end that: *'Oppressed groups have increased their prospects and opportunity to control their own life and together develop a society that secures political, civil, cultural, economic and social rights for all.'*

Its immediate development objective is to the end that: *'Right-based organisations, working in areas of conflict and oppression, have strengthened their ability and capacity to mobilise for democratisation and social and economic change.'*

Interviews were carried out in January 2005 with a number of UK-based INGOs, and discussions were held with NPA head office advisors and country programme representatives. In addition, a review of both grey and published literature was carried out. Reference was made to other reviews of lessons from rights-based INGOs, most notably Theis (2004) (also referred to in this paper as the 'UNICEF review'), Harris-Curtis *et al.* (2004), and an internal Save the Children document on its assessment and benchmarking of rights programming. For the most part, lessons have been taken from INGOs, but lessons from UNICEF have also been included owing to their relevance to the issues raised.

This report is ordered around various issues of concern and debate that were raised in the interviews with the NPA staff, and draws on experiences in these areas from other organisations. The report is structured as follows. Section 2 reviews the background to the RBA; Section 3 looks at strategic impacts of a RBA; Section 4 deals with programming implications; Section 5 considers partnership issues; and Section 6 concludes by highlighting the need for processes of change and capacity-building. Annex I provides more information about the INGOs reviewed; Annex II summarises the issues raised in interviews; and Annex III provides the list of persons interviewed.

In January 2005, ODI was invited to organise a one-day workshop at NPA's headquarters in Oslo, in order to present the findings of this review and help NPA identify next steps. A brief summary of the workshop, and suggestions for next steps, can be found in Annex IV.

2 Background on RBAs

There is not just one 'correct' RBA but all RBAs share the objective of realising people's human rights

There is no one 'correct' rights-based approach (RBA). As this report will show, INGOS have adopted a variety of definitions and tools. Common to all organisations is the objective of ensuring the realisation of people's human rights, and of implementing this as a guiding objective and methodology. One useful framework is provided by a recent agreement reached among UN agencies in 2003 (see Box 3).

Box 3 UN Inter-Agency Understanding on a Human Rights Based Approach to Development

1. All programmes of development cooperation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights *instruments*.
2. Human rights *standards* contained in, and *principles* derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.
3. Development cooperation contributes to the development of the capacities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to claim their rights.
4. The human rights *principles* identified in this agreement are:
 - universality and inalienability;
 - indivisibility;
 - interdependence and interrelatedness;
 - equality and non-discrimination;
 - participation and inclusion; and
 - accountability and rule of law.

Source: UN Inter-Agency Agreement (2003).

The international human rights framework can be the starting point. It is empowering, has normative specificity, protects individuals and builds on existing obligations

This highlights that the starting point is the realisation of human rights as provided for in the international human rights framework. This does not mean that INGOS need to limit their RBA to international legal standards but it provides a shared starting point. Human rights correspond to values, norms, standards and principles which can be found in a number of international (UN or ILO), regional and domestic documents, often referred to as 'instruments'. They have been agreed internationally among states; some are 'legally binding' on states. The strength of this approach is that it creates a high degree of legitimacy for RBA interventions. This shared and universal framework, though problematic at times, is one that governments have recognised and that civil society groups, in their struggles throughout the world, have contributed to developing (e.g. anti-apartheid campaigns or women's rights movements).

As Philip Alston notes (1998), some of the explicit benefits of a human rights approach include that:

- It is *empowering*: referring to the 'right to education' means that it is not simply a matter of officials providing education through appropriate policies when they want to, but that people have a right to it, and can claim it.
- It has '*normative specificity*': it is more precise to refer to the objective of realising the 'right to primary education' (free, universal, compulsory, non-discriminatory) than to deal with general goals such as 'reducing poverty', which can be defined differently by governments. Human rights set particular

- benchmarks to help monitor progress and require ‘progressive realisation’ in the field of economic and social rights – continuous progress and no slipping.
- It *protects individuals*: whereas some approaches are ‘utilitarian’ and aim at general, global improvements, which might not benefit everybody and may actually harm some individuals, human rights refer to the minimum level of wellbeing that everyone needs to enjoy.
 - It builds on *governments’ existing obligations*: the approach offers a range of mechanisms to ensure that governments are held accountable for their already agreed commitments.

A RBA highlights the need to work with both rights-holders and duty-bearers

Using the notion of ‘human rights’ is thus important: such rights are different from legal rights or customary norms and provide an internationally accepted ‘normative’ framework to guide activities. A key operating distinction is that between ‘duty-holders’, those who have the obligations to ensure that human rights are respected, protected and fulfilled, and ‘rights-holders’, those who can claim rights and entitlements. As this report illustrates, INGOs have been more comfortable working to enhance the capacity of poor people to become aware of and claim their rights. However, there is also a range of counterpart activities needed to make sure that the institutions and agents that have duties and responsibilities (such as local governments or even parents) are able to deliver on their obligations. The UN definition highlights the additional need to build the capacity of duty-holders and not just of claimants.

The RBA can be operationalised by applying human rights principles, in particular: equality, participation and accountability

In addition to human rights standards provided by human rights instruments (e.g. the right not to be tortured or the right to receive social security), these documents identify a range of principles that have been used by many organisations to operationalise RBAs. Key principles refer to the nature of human rights (that they are ‘universal’ – they are applicable to all; ‘inalienable’ – they cannot be given away; ‘interdependent’ and ‘indivisible’ – civil/political and economic/social rights are equally important and one set of rights is related to the realisation of the other set). The three most important principles, from a practical point of view, are:

- *Equality and non-discrimination*: given that everybody has equal human rights, governments and public policies must ensure that everyone is treated with the same degree of respect. This means paying particular attention to groups that are excluded (e.g. some minorities or indigenous peoples) or are particularly vulnerable (e.g. children).
- *Participation*: everybody has a right to take part in decision-making processes that influence their life, and to engage in political activities.
- *Accountability*: duty-holders need to answer for how they realise rights. If they do not do so, individuals can seek redress or compensation. This can include legal mechanisms (e.g. going to court), although accountability operates in different ways, for example through political or social channels.

A RBA is not limited to poverty reduction, but can contribute to it

A RBA is also not limited to poverty reduction. It is relevant for both the poor and the non-poor. There is, however, a range of ways in which a RBA can be seen to contribute to poverty reduction (Piron and Watkins, 2004). This is particularly the case when the causes of poverty are examined, in particular systematic

discrimination, or when a broader definition of poverty is used, one which explicitly includes conceptions of power. The focus on ensuring respect for everybody's basic rights means that everybody, and not just half of the population (as implied by the MDGs), needs to be lifted out of poverty. As will be shown, the approach also requires that INGOs broaden the strategies that they have to date adopted. This includes a shift towards advocacy and working at a policy level, as well as recognising the importance of high-level institutional reforms, such as those to enhance the rule of law, in order to benefit the poorest.

3 Strategic implications of a RBA

3.1 Variations in RBAs

Organisations have adopted a range of interpretations of RBAs

Reviewing the RBA activities of different organisations reveals a wide range of interpretations and varying extents to which organisations link their activities to specific rights in the international human rights framework. ActionAid and CARE do make reference to the UN framework in their policy and practice documentation, but Save the Children (SCF) has done so more explicitly, using the 1989 Convention on the Rights of the Child (CRC). In so doing, SCF presents a more holistic approach to rights. Christian Aid and Cordaid do not use the human rights framework as their ethical basis, given that they are religious organisations, but do make references to it in their guidelines for their operations.

Box 4 Variations in RBAs

Oxfam focuses on rights through 'seeing the poor not as passive aid recipients but as active citizens', 'making states and international organisations accountable', and placing 'equity and inequality and the right to opportunity at the centre of the debate' (Oxfam, 2001). Oxfam believes that a sharper focus is needed on economic and social rights, which have traditionally been in the shadow of civil and political rights.

CARE is less focused on the international human rights framework and more concerned with the RBA as a methodology. For CARE, a RBA involves explicitly focusing on people achieving the minimum conditions for living with dignity, and it does so by exposing the roots of vulnerability and marginalisation and expanding the range of responses. In so doing it empowers people to claim and exercise their rights and fulfil their responsibilities.

Save the Children, on the other hand, places the CRC at the core of its value system. Save the Children's approach 'holds bearers accountable, it ensures participation, clarifies the right holder and this is all done in a context of equity, inclusion and non-discrimination' (Theis, 2003).

Similarly, the work of **Help Age International** has always been located within a global framework of obligations.

ActionAid refers to the international human rights framework in its policy, which states a commitment to helping poor people exercise their basic rights.

There are benefits to being explicit about adopting a RBA

There is a debate in some organisations about the advantage and drawback of not being explicit about the move to a RBA. Many believe that as long as the complexities of a RBA are understood, they can engage in facilitating rights without an explicit move to a RBA (Harris-Curtis *et al.*, 2004). Organisations such as Christian Aid, CAFOD and Cordaid do not have an explicit RBA but use rights as a tool in some of their programming. However, others, such as Save the Children, feel strongly that organisations committed to human rights should be explicit about this position and that part of their advocacy agenda is to find ways of engaging stakeholders and donors on a dialogue about human rights. In a similar vein, Concern stresses that making rights explicit is important for transparency and credibility and that the RBA must be owned by southern partners to be viable.

As Box 4 shows, the shift to a RBA for many organisations grew out of their explicit mission to reduce poverty and a perceived dissatisfaction with earlier approaches in achieving this mission. For example, CARE's shift was fuelled mainly by the realisation of the need to address the underlying causes of poverty that a RBA highlights. The importance of addressing power relations in poverty reduction grew out of CARE's earlier work on household-level impact and livelihoods.

A RBA has helped strengthen the coherence of thinking and programming

For the most part, the shift to a RBA has helped strengthen the coherence of thinking and programming in organisations. The impact of the shift on CARE has been one of the most dramatic seen in the organisations discussed here, allowing it to change from an organisation with an unclear value system, where relationships with partners were based on contracts to deliver activities rather than on partnerships, to an organisation with increased clarity and coherence. This has resulted in a longer-term approach, a clearer value system and increased transparency. The refocus of Oxfam's corporate objectives around rights-based principles has helped the organisation to establish more strategic aims, to set standards based on the international human rights framework, and to provide a measure for monitoring and evaluation. Others claim that it has helped to connect global and local activities as well as to place an increased emphasis on excluded and marginalised groups.

3.2 The shift from service delivery to advocacy

A RBA helps move from 'passive beneficiaries' to 'active citizens' and implies greater attention to advocacy and capacity-building

There are some similarities across organisations. In particular, a rights-based approach is often contrasted with a needs-based one (see Box 5). In order to meet basic needs, a number of INGOs and donor agencies have prioritised service delivery, which can see beneficiaries as 'passive recipients' of aid. RBA is said to be more 'political' and to require the empowerment of citizens to claim their rights, moving away from an approach based on 'charity'. This is often seen as leading to a shift towards an advocacy mode to address some of the fundamental issues behind the lack of appropriate service provisions and the 'root causes' of poverty.

Box 5 Aspects of needs-based and rights-based approaches

Needs-based approach

- The histories of many NGOs and charities are rooted in philanthropic origins.
- Charity and philanthropy are perceived as apolitical.
- Needs-based approach focused on poverty alleviation instead of poverty eradication.
- Needs were identified/driven by the 'Westerner' then steps were taken to fulfil the identified needs.
- This approach supports the practice that the poor person is 'passive', viewed as the benefactor who is there to be 'helped'.
- The poor person is viewed as a victim dependent on the support of the donor.
- This approach does not empower the recipient to assert or demand his/her human rights, but rather to accept and be grateful.
- Evidence shows that the needs-based approach has failed strategically to eradicate poverty and to address practices of exploitation, abuse and widespread injustices against marginalised populations.

Rights-based approach

- RBA is an evolution of the needs-based approach.
- RBA is believed to be political because it promotes the fight for individual rights.
- 'It takes the best practice from a needs approach and builds upon it. It is an evolution from such a sentimental, paternalistic, and privileged discourse of philanthropy and charity, to a more political, egalitarian and empowering ideology of rights and duties.' (Slim, 2001.)
- RBA challenges the paternalistic power imbalance in NGOs.
- RBA embodies the poor person's shift from a 'passive receiver' to one participating in decision-making and asserting rights.
- The philanthropic approach has been replaced by the rights-based approach that facilitates the marginalised person in the fight to acquire power through asserting rights.
- The rights-based approach challenges the balance of power.

Sources: Harris-Curtis (2004 *et al.*) and Slim (2001).

Most rights-based programmes thus emphasise the importance of advocacy in influencing policy, and question the impact of standalone service delivery projects. This attitude is reflected in NPA's 2003–2007 strategy, whereby six key working methods are adopted:

- Networking;
- Awareness-building and mobilisation;
- Advocacy and lobbying effects;
- Organisational development;
- Competence-building; and
- System development.

For many NPA country programmes, most notably those in the Horn of Africa, service provision remains a significant part of the programme and the strategic shift raises a variety of dilemmas, including:

- How to justify or combine the continuation of 'hardware' programmes which are perceived as important;
- The degree to which non-rights-based technical support should be kept as a courtesy gesture to maintain trust and legitimacy.

Strengthening the governance and quality of service provision can help to address the change in the relationship between the duty-bearer and the rights-holder

Strengthening capacity can lessen the tensions in the shift from service delivery to advocacy. Many organisations, such as Concern, are attempting to merge a RBA with their focus on service delivery by engaging with strategies for advocacy in the field of service delivery rather than exclusively concentrating on advocacy. Strengthening the governance and quality of service provision is an important rights area which can help to address the change in the relationship between the duty-bearer and the rights-holder (client) by institutionalising pressure from below. ActionAid provides many good examples of ways in which leadership training, lobbying and advocacy can be combined with service delivery for a holistic approach to development. UNICEF is encouraging demand for goods and services by engaging communities and individuals in deciding what those services will entail, and how they will be organised, implemented and evaluated.

In addition to introducing advocacy as part of service delivery work, a RBA implies doing service delivery differently. The DFID Rights Review (Piron and Watkins, 2004) provides a number of examples, which emphasise in particular the need not just to work on the 'demand/advocacy' side, but also to combine it with an awareness of duty-holders/service providers' capacities. For example, DFID assisted a public information campaign on a new, more equal, wills and inheritance law in Zimbabwe. However, it underinvested in working with the Ministry of Justice and other officials in terms of being able to meet this increased demand. Other examples of how INGOs and NPA can shift their service delivery approach include working with building the capacity of local governments to develop sustainable participatory mechanisms (rather than one-off consultations) and to see how, in their service provision, they can respect the principles of equality and non-discrimination and target groups that are excluded or harder to reach. In Uganda, for example, the government has been developing a non-formal education programme for pastoralists.

3.3 Theoretical clarity in operating a RBA

Organisations need to avoid 'repackaging' by simply using the language of rights

A challenge in the adoption of a RBA is the need for conceptual clarity. Because of the (legal) technical origin, there have been some difficulties and at times even resistance to implementing RBAs (Piron and Court, 2003 and Piron and Watkins, 2004 provide examples within bilateral donor agencies). As a result, practice is often lagging behind theory, and concepts such as participation and accountability are often not fully operationalised in INGOs. The use of language such as 'duty-bearers' and 'rights-holders' does not necessarily imply a RBA, just as not all work on a particular rights theme is necessarily rights-based. For example, it is possible to provide services for abused women without holding the abusers and government departments accountable for neglecting their rights. In some organisations, such as Plan International, it has been claimed that there has been a repackaging of existing activities without making the fundamental changes required by the new approach (Harris-Curtis *et al.*, 2004).

Reviewing the experience of different organisations raises the need for clarity in a discussion on RBAs, as this will have strategic implications for the operationalisation of the approach. Theis (2004) refers to three main concepts which need clarification to ensure coherence in strategy and programme development:

- Definition and operationalisation of accountability;
- Enhanced understanding of power and politics;
- A clear definition of 'rights-based' participation as opposed to other definitions of what is meant by 'participation'.

A RBA requires clarity on how to operationalise the principle of accountability, taking both local realities and human rights standards into account

Defining and operationalising the accountability of the duty-bearers to respect, protect and fulfil rights and the participation of the rights-holders to claim their rights is a core element of a RBA. However, as Theis (2004) points out, accountability and participation are principles that country programmers in particular find the most challenging to operationalise. UNICEF has focused heavily on strengthening the accountability of duty-bearers. But the definition and operationalisation of accountability varies considerably depending on the programme issue, the level of programming and the country context.

For example, in Latin America, there is a concentration on central government accountability (such as legislative reform in accordance with human rights conventions, transparent budgeting or expenditure reporting) and local government accountability of service providers. This has been possible because in Latin America the concept of 'accountability' is more culturally acceptable. In East African programmes, UNICEF uses Community Capacity Development (CCD) which employs the 'Triple A' approach of 'Assessment, Analysis and Action' to raise awareness about rights and responsibilities and raise capacities at the community level. In the East African context, accountability mechanisms have focused on family and community attitudes; 'accountability' is defined in terms of community capacity or the resources, skills and authority needed for duty-bearers to take action related to rights. At the base of this approach is the premise that individuals and communities cannot be held accountable for not fulfilling a duty if they do not have the capacity to do so. This approach therefore focuses on strengthening this capacity.

One 'value-added' of a RBA is that it defines accountability according to standards for service provision based on human rights, which define the obligations of duty-bearers and create mechanisms for monitoring. Examples from UNICEF include programmes in Brazil where they have supported the formation of local councils and

setting up of local child protection systems, and the introduction of a 'municipality award' to help municipalities work towards a defined set of goals and standards related to child rights.

A RBA forces engagement in politics and power relations, but appropriate strategies are required to effect desirable change

The UNICEF review notes an absence of an explicit focus on **politics and power relations** in many rights-based activities, even though this is at the core of the approach. This is often a result of the desire to avoid sensitive and confrontational terminology. Results from the UNICEF programme in Jordan, for example, show clearly that reminding duty-bearers of their obligations will not result in changes in behaviour. The CCD approach used in East Africa is less confrontational and overlooks power differences; in so doing, it may underemphasise the role of higher-level duty-bearers. However, activities in Latin America on strengthening national and local government responsibilities show that there are ways of challenging power relations that are not confrontational.

The debate also remains as to whether a RBA does result in the increased ability of right-holders to claim and of duty-bearers to deliver. In their advocacy strategies, INGOs need to balance the desirable change (e.g. protecting children's rights) and how officials and other duty-bearers are able to deliver, and what kind of political pressure can result in positive change. For example, Save the Children Romania advocated that Romania's accession to the EU be conditional on its realisation of the right to a family life. As a result of this campaign, however, the Romanian government received so much pressure on this issue that the government body it set up became paralysed (Beauclark, 2003). The strategy was thus counterproductive.

Participation must not be instrumentalised, but seen as a right

Save the Children's experience emphasises the need to be clear as to whether building capacity for participation sees participation as an end in itself or more as an instrument. As Theis (2004) points out, participation has a particular meaning in human rights terms: the entitlement of rights-holders to demand rights from duty-bearers, and participate in decision-making processes in a meaningful, free and active manner. This contrasts with more instrumental views of participation, which have become increasingly accepted in development practice, where participation is seen as 'technically useful' as it will improve the ownership and effectiveness of projects. The RBA view of participation is more all-encompassing and requires deeper social and political transformation to respect the dignity of each individual.

3.4 The implications of the adoption of RBA for a solidarity organisation

A question which does not apply to many of the organisations looked at in this review concerns the implication of NPA's status as a solidarity organisation in its adoption of a RBA. NPA's stated values are: 'national and international solidarity, human dignity, freedom and equality'. Human dignity implies equal rights for all, irrespective of gender, race, religion, age, language or social status. Solidarity requires empowering partners, respecting their integrity and rights, and promoting a human rights culture. A rights-based approach is seen as a prerequisite to achieving a lasting change in power structures through addressing political, economic and social change. There is an argument that without solidarity there can be no real rights-based approach: 'solidarity with one's partners and a RBA throw traditional development concepts into the dustbin of history' (Hammock, 2003: 3 in Harris-Curtis *et al.*, 2004). Many of the organisations reviewed felt that there was a moral impetus for a RBA, and that rights

and values naturally coexisted. In this sense, it can be said that there is no contradiction between NPA's adoption of a RBA, and that it fits naturally with its agenda.

There can be tensions between a RBA and the goals of a solidarity organisation, when partners are not themselves committed to a RBA

Most of the organisations examined by this review have poverty reduction as a core objective, and there is a perceived tension between 'solidarity' work and more mainstream 'poverty reduction/development'. A RBA can actually help to reduce this. The example of Oxfam's move to a RBA is instructive. It was work by country offices in the conflict zones of Latin America in the 1980s that helped to raise the rights issue within Oxfam. This began as a civil and political rights agenda, working through justice-orientated partner organisations, in contrast with the apolitical fundraising by Oxfam that was occurring around the Ethiopian crisis. At the time, rights issues were not an explicit part of Oxfam's policy. The UK Charity Commission questioned the extent to which Latin American activities were related to poverty reduction. British charity laws state that no charity may act politically, revealing an underlying assumption by the commission that poverty is unrelated to politics.

NPA's long-term objective, on the other hand, is the securing of rights as an end in itself: 'Oppressed groups have increased their prospects and opportunity to control their own life and together develop a society that secures political, civil, cultural, economic and social rights for all.' In this sense, NPA differs from the other organisations and does not overtly face the challenge of demonstrating its impact on poverty reduction. It can be more explicitly political. There are, however, some issues raised by NPA's status. First, there are potential contradictions between a RBA and a solidarity approach when NPA engages with partners involved on one side of domestic struggle. This is not a neutral position: it may involve the furthering of the rights of one interest group to the detriment of others, and in this way may violate the principles of universality and equality.

Secondly, the stated aim that NPA will 'work with partners who share a commitment to struggle to secure human rights for all' may conflict with its 'solidarity' origin. Solidarity organisations, such as NPA, will have particular historical partnerships, often based on shared political views, which results in high levels of commitment to particular relationships. It is often hard for such organisations to abandon or alter existing relationships in order to identify partners who are also rights-based.

3.5 The implications of a RBA for addressing accountability of the organisation

Embracing a RBA requires addressing accountability of the organisation itself, which involves an explicit mandate and clear constituency

One of the main features of a RBA is the concept of accountability. Creating accountability to groups represented, as well as to partners, is a central dimension in rights-based programming. NGOs often assert their role as duty-bearer but, as Pratt (2003) points out, there are few mechanisms for holding NGOs to account over this. There is an important ongoing debate, particularly among child rights organisations, over the way in which organisations make claims on behalf of other groups and the accountability of these organisations to the groups in whose names these claims are being made. This leads on to a discussion about the influence these groups should have in informing the advocacy made on their behalf. This debate stems from the search by development organisations for legitimacy. It can be argued that, to be truly

transparent, organisations need a clear value system which enables actions to be measured. Central to this discussion is a debate about the mandate and the constituency of the organisation and the degree to which these constituents should have a say in the strategy and activities of the organisation. In the case of NPA, this is not stated clearly in the strategy and may be an illuminating and necessary debate to engage in as part of adopting a RBA

Accountability can be addressed through clear reporting to financial donors and providing opportunities for target groups to hold the organisation to account

This debate also links into the discussion on monitoring and evaluation, to which we will return later. For example Save the Children has a strategy, 'Global Impact Monitoring and Children as Stakeholders', which looks at the idea of children as a key part of the evaluation. Oxfam also asks itself whether a member of the Oxfam confederation is advocating on behalf of itself, Oxfam International, or its members in the south.

Save the Children has probably done the most thinking on this, distinguishing between two forms of accountability needed for the organisation:

- The need to be accountable to the public and other donors through financial reporting;
- The need for the organisation to be accountable to its target group (children). To date, however, children have had little say in what the organisation does and little opportunity to hold it to account.

One of the aims of a rights-based organisation is to challenge power elites and structures which oppress marginalised people. Save the Children, in its work with children, raises the issue as to the way in which participation can create groups which are equally unaccountable to the constituencies from which they come. As such, participation can help to replicate existing power structures. SCF does have some positive examples, such as children's clubs in Nepal where children contribute from a mandated base.

Organisations which derive a significant amount of funding from the public may not be supported by that public in a desire to move to a RBA

One of the longer-term aims of NPA, as with other organisations, is the diversification of its funding stream. However, the funding structure adds a further element to the accountability debate. Those who rely on public donations for funding have an added constituency to consider in terms both of accountability and of their reliance on that funding source. Charities relying on public donations find that RBA is not a money-earner, and that it is easier to use a more apolitical approach (Slim, 2001). Both Save the Children and CARE have found that it has been hard to 'sell' human rights, and there has been a need to accept a lowered income as a result of the commitment to the RBA. Many public relations teams will claim that rights are impossible to advertise. However, this does depend on the support base of the organisation as, according to Dan Church Aid and Novib, a RBA does attract a younger and more politically active support base (Harris-Curtis *et al.*, 2004).

Perhaps of more relevance to NPA is the implication of an organisational RBA for the relationship with donors. One of the issues faced specifically by ActionAid in its stated desire to 'hold governments to account' is the amount of leverage that an organisation which is funded by donors has in scrutinising the donors' own human

rights approach. Can NPA really demand that Norad prove itself in its own rights approach to development?

4 Programming implications of a RBA

4.1 Operationalisation of a RBA

Organisations need to decide how best to translate into practice a policy commitment to human rights

Once an organisation has 'adopted' a rights-based approach at a policy level, it needs to find ways of implementing it in practice. An important operational question is the degree to which it is necessary for an organisation to be very clear and prescriptive in its policy documents and guidelines over exactly what it means by a RBA or whether there are advantages in leaving this definition open for country programme interpretation. NPA appears to be relatively un-prescriptive in this respect: there is a high degree of autonomy at the country programme level regarding the extent to which and the way in which a RBA is applied. Some of this may stem from the fact that the strategy was driven at head office level, resulting in there being a time-lag in the engagement of the country programmes in a dialogue on the issues.

The main finding of the evaluation of the Swiss Agency for Development and Cooperation's (SDC) adoption of its human rights policy (Piron and Court, 2003) was the weakness of an approach which relies on headquarters only issuing a new policy without providing additional back-up in the form of tools, guidance documents or technical capacity at the centre to support country offices. SDC has now accepted this finding, and is undertaking new work, including an updated and more detailed issues paper, aiming for a short and concise policy statement, accompanied by training and opportunities for exchanging best practices.

All organisations have faced the problems of determining what degree of autonomy is acceptable within a country programme. The history of the introduction of a RBA varies across the organisations. UNICEF's shift was driven from the top whereas Save the Children's emerged at field level and was then formally adopted. Only then was there a clear move to embed rights in the vision and the mission as well as in the policies and guidelines.

A decentralised approach to RBA programming can result in a stronger sense of ownership and more creativity, but also in a lack of coherence

Lessons from the earlier implementation of the 'livelihoods approach' in CARE suggest that a top-down approach can be problematic. Against this, although specific personalities and champions have been key to the spread of the approach within CARE, its RBA was initially introduced through overarching principles which provided the freedom for the country programmes to experiment with their own approaches. There has been the provision of tools, but no obligation that a RBA be taken. As a result, each CARE country programme shows a huge variation in the degree to which rights are addressed. CARE's experience has been that by allowing country programmes to explore their own methodologies, ownership of the new ways of working has been increased. Many of the staff now recognise the RBA as an effective form of programming. However, there is some resistance: it has increasingly been found that changing principles is not enough to bring about cultural change in the organisation. Country programme staff have begun to demand centralised organisational change.

4.2 RBAs programming tools

Allowing creativity and independence can result in the failure to provide tools and guidance and a lack of structural support for capacity-building and for expanding a new culture. To date, there are no prescriptive tools to assist NPA offices with their programming of a RBA. There is a question, related to the degree of consistency desired by the organisation, as to whether unified tools and guidance for RBA should be provided.

Organisations that have the longest experience of engaging with a RBA show the value of the provision of tools and methodologies to assist country programmes with rights-based programming¹

Perhaps related to its history of a 'mechanistic' approach, CARE has invested heavily in tools, guidance and resources to strengthen capacity for the programming of rights through the organisation. CARE recognises the value of the country programme retaining some autonomy, but its experience has shown that there is a need for consistency through the organisation in the way in which the RBA is used. Tools have included a comprehensive training manual, which CARE aims to use in all its partnerships to make sure the RBA is practical and understood. The manual was developed collaboratively with CARE staff from 10 different countries over a period of four years, and involved more than 100 workshops. The aim of the manual was to establish what kinds of rights approaches were adopted by different parts of the CARE, and to bring the best elements together.

A proliferation of guidance tools and training materials can result in confusion and resistance to the approach

Save the Children found that the practical operationalising of a RBA was the most important issue, and that the main need was to provide methods rather than a focus on a discussion of the theoretical concepts. Save the Children members are calling for more coherence, as they lack resources to develop tools. At the same time, though, a proliferation of different training materials, concepts of rights and impact measures are confusing staff and not facilitating the process. In the case of Oxfam, each member has developed its own guidance tool; as a result, there is a huge variation between offices. Novib, for example, developed a toolkit from its 'Linking and Learning' process on participation in local decision-making, which provides lessons on how to put rights approaches into practice as well as an analysis of the programming process and impact analysis.²

Save the Children and Oxfam have the most experience at policy-making, programming, and monitoring and evaluation of rights-based approaches. Save the Children's programming (see Figure 1) in this area has evolved over time and involves:

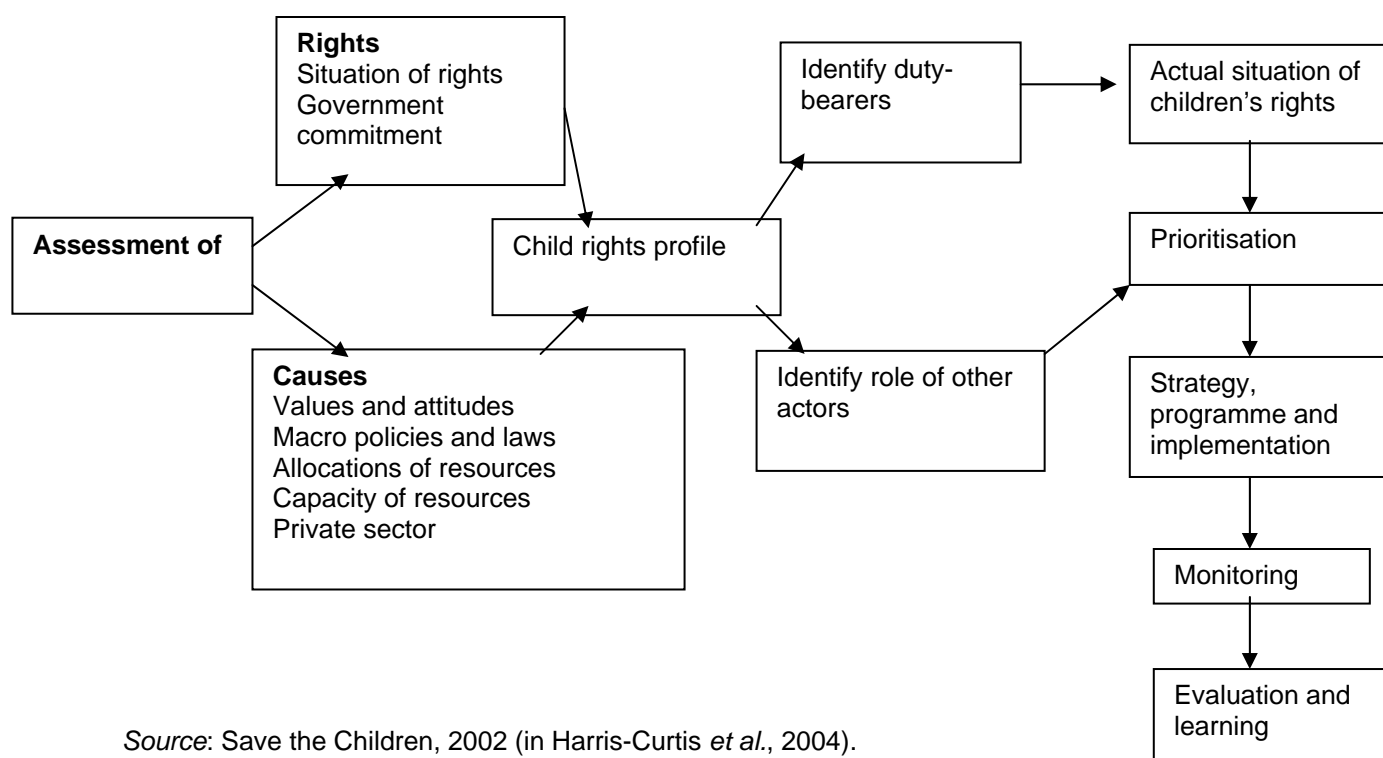
- A situation analysis on the status of rights and the underlying causes;
- Setting priority areas;
- Planning of implementation strategies; and
- Monitoring and evaluation.

Save the Children's experience stresses the need to apply human rights standards and principles in all aspects of planning, programme design, implementation, and monitoring and evaluation

¹ The CRIN website is a useful resource in this respect: <http://www.crin.org/hrbap/index.asp>

² www.toolkitparticipation.com

Figure 1 SCF's rights-based programming: the programme cycle



Source: Save the Children, 2002 (in Harris-Curtis *et al.*, 2004).

Oxfam links its five strategic objectives to impact indicators and medium-term objectives in an attempt to operationalise them (see Box 6).

Box 6 Oxfam's medium-term objectives

- Increasing the power of poor people in markets.
- Building poor people's assets.
- Securing adequate financing for basic social services.
- Increasing access to basic medicines.
- Increasing access to good-quality basic education for girls.
- Ensuring high-quality humanitarian aid and protection.
- Promoting arms control.
- Stopping international profiteering from war.
- Increasing the accountability of governments and international institutions to the poor.
- Ending violence against women.
- Getting institutions right for women.
- Overcoming discrimination.

4.3 Situation analysis and prioritisation

RBA starts with situation analysis

Most of the organisations carry out a situation analysis on the status of rights and the underlying causes as part of the initial process of programming. CARE stresses the importance of such analyses looking at access to and control of resources, and power relationships. The Benefits Harms toolkit offers tools for assessing impact as well as monitoring and evaluation. This is used in the CARE project cycle; it was developed in 1998 when East African staff felt that they lacked tools to understand fully the overall humanitarian, political and security impact of their work. The Toolkit assumes that unintended impacts come from:

- Lack of knowledge about contexts in which the organisation is working;
- Lack of thought about unintended impacts;
- Failure to take action to mitigate these impacts.

As a precursor to operationalising a RBA, both Concern and Oxfam carry out clear identification of groups whose rights are denied or violated. This leads to a better exploration of the mechanisms by which those rights are denied or violated, and identifies the institutions at different levels which are key in perpetuating this and the policy and practices by which they do so. The next step is to identify the strengths and weaknesses of the various actors at different levels and the reasons for the perpetuation of the problem. However, one of the points raised by Harris-Curtis *et al.* (2004) about Oxfam is that it is better at collating information than analysing it. This highlights the need to think very seriously about an increased research programme and the capacity and resource requirements to ensure it feeds back into programming and policy development.

Organisations need to balance the outcomes of situation analysis and the indivisibility of human rights with their areas of comparative advantage

The principle of 'indivisibility' of human rights poses a challenge for all development organisations, whether INGOs or governmental aid agencies. In practice, it is not possible to work on all human rights for everybody at all times. There is a need to prioritise certain objectives and groups in order to meet the most urgent needs and protect from the worst violations. The key issue is *how* this is done. In order to respect the principle of participation, it is important to ensure that INGO partners and beneficiaries take part in this process.

The thematic components of NPA's RBA include:

- Democratic rights and participation (participation, youth, freedom of expression and information, free and independent media);
- Land and resource rights;
- Indigenous peoples' rights;
- Violence against women; and
- In addition, work in the area of mine action and humanitarian assistance.

Consideration of these thematic components immediately raises the question of rationale for a focus on these particular rights and a questioning of the ways in which these rights were prioritised. One of the dilemmas faced by organisations adopting a RBA is the degree to which an organisation can fully respond to situation analysis or need to focus on those rights that are easier to respect, protect and fulfil. The latter may lead to a tendency to prioritise rights and thematic areas according to existing advisory capacity and presence of partners with relevant skills and experience. Given the principle of indivisibility and equality of rights which is fundamental to a RBA, this can raise some contradictions. The question is whether focusing on some predetermined issues is necessary in order to set priorities, or whether it erodes the rights agenda by only concentrating on the rights of people whom the INGO want to support.

The choice of certain thematic areas may prioritise certain rights and target groups to the detriment of others

For organisations such as Save the Children, this issue raises less of a dilemma: the organisation justifies its work using the CRC, which creates a holistic framework for setting strategy and programming structures, being a broad convention covering a

wide range of rights. HelpAge International also has a clear target group but faces the problem that there is no one international convention covering older people. However, even Save the Children identifies priority rights, such as non-discrimination and the right to education, health and a good physical environment. It argues that the prioritisation of these rights is just that, merely a prioritisation; the rights are not protected at the cost of others.

Encouraging country programmes to prioritise their own thematic areas can address the problem of it being impossible to further all rights at all times

ActionAid has a decentralised organisational structure, which means that each ActionAid country office is able to articulate rights within its own interpretation and to decide which rights will be prioritised. This addresses the problem that it is not possible for an INGO to further all rights at all times. For example, rights work in India focuses on improving the legal system, in Bangladesh the emphasis is on collective action and grassroots work, and in Pakistan the focus is on justice and tolerance.

One interesting feature of ActionAid is the decentralisation of specialisations, whereby different members lead on different issues. ActionAid India leads on the Right to Food and Brazil leads on the Right to an Education. Different histories in the different ActionAid programmes of struggling in different ways with different rights issues means the organisation can promote specific issues more effectively. This model has been followed to some extent by Save the Children, where different regional members take the lead on thematic areas of interest.

The challenges raised by the indivisibility of rights can be addressed through increased intersectoral programming and a focus on root problems which are common to all rights areas

Theis (2004) is very clear that it is not enough to work on specific programme issues, but that there is a need to influence the broader human rights environment by, for example, promoting an independent judiciary, independent media and free access to information, responsible institutions, and transparent resource allocation. Despite its explicit child focus, UNICEF has addressed the problem of the indivisibility of rights through intersectoral programming and the reorganisation of programmatic areas to promote more integrated ways of working. This has involved a focus on national-level work such as budget analysis, rights monitoring and setting governance standards. This work is less sector specific than programme work at the community level. UNICEF also focuses on addressing common root problems, such as gender inequality and power imbalances.

Oxfam has found, mostly as a result of its ability to contribute in this area, that it is best to concentrate on the realisation of human rights through economic, social and humanitarian rights. However, Theis (2004) also stresses the need to address interdependence of rights (the promotion of social and economic rights to realise civil and political rights), for example by using HIV programmes to broaden access to information and expression in society.

Some issues may be marginalised when not covered by an explicit thematic area

The focus on certain thematic themes can increase the danger of the marginalisation of other rights issues. Theis (2004) highlights the need to address gender issues and the fact that many rights-based activities fail to do so. In fact, there is some indication that UNICEF's focus on children's rights has diverted attention away from women's

rights. UNICEF has found that where themes such as gender are not central, they tend to be seen as add-ons and not central concerns. This may result in a situation where country programmes are identifying disparities but where there is a lack of strategies to promote women's rights in situations of cultural opposition. For example, the UNICEF adolescent programme in Jordan recognises that men do not accept women and girls going to youth centres; in order to overcome male resistance, the programme is keen to include more men in community-level projects designed for women and children.

4.4 Monitoring and evaluation of a RBA

Monitoring and evaluation should not be separated from other elements of rights-based programming

Monitoring and evaluation of the RBA is a relatively undeveloped area in many of the NPA country programmes. However, all of the organisations reviewed stress its importance as an integral part of rights-based programming and a means of making the organisation more accountable. The planning, programme objectives and monitoring and evaluation systems need to have a clear understanding of RBA or else conflicting and inappropriate demands from head office will result. Theis (2004) points out that unless structures, systems, policies and guidance at all levels of the organisation reflect the demands from the field it is hard to implement a sustained, consistent and meaningful implementation of rights.

Monitoring indicators need to measure both process and outcome. Consultative processes for the design of indicators are effective and help to build capacity

There are various questions that need to be addressed, most notably how to design indicators for rights-based work, given that the indicators of success are less clear-cut and need to be more process orientated. In many cases, the tendency is for the monitoring and evaluation system to remain focused on needs. Plan found that once it had shifted to a RBA and begun to change its programming framework, its established monitoring and evaluation system was no longer relevant. For example, it had no indicators to monitor child participation. Plan has now developed a benchmarking tool through a consultative process with country programmes to allow it to assess its progress in implementing the new approach. This has a series of indicators to benchmark whether programmes are at the 'start-up', 'aware', 'defined', 'managed' or 'enabled' phases in respect of the key elements of the approach e.g. child protection policies, engagement in advocacy, capacity-building in key competencies. This does not necessarily provide answers on what is right or wrong, but does encourage the 'cultural' changes required of a RBA.

According to Harris-Curtis *et al.* (2004), Oxfam has also faced problems in monitoring. For example, indicators which have been developed are not adequately understood in the south; information which has been collected is not adequately analysed; and tools for impact assessment are not widely used or tested.

CARE sees holistic analysis as crucial, and determines that programming and monitoring and evaluation should be linked at the organisational as well as the programme level. Their 'Development, Monitoring and Assessment' process has identified the following impacts:

- Building of capacities in a local context;
- Constant learning from own partners and experiences, capturing lessons, distilling methods, tools and systems;

- Best practice from the past, allowing building on past learning.

The experience of Save the Children clearly shows the need to develop tools which measure both process and outcome; a huge amount of work has been put into monitoring and evaluation. Each country office has to do impact monitoring and reporting on each theme every three years. Monitoring and evaluation is based on the programming process, and indicators are designed to track outcome and outputs of a programme depending on the goal. The monitoring process includes changes in awareness of children’s rights, changes in policies, resource allocation and spending, strategies and institutional capacity to respect and fulfil children’s rights, and changes in the actual situation of children. Save the Children is also in the process of drawing up a series of ‘benchmarks’ through which to evaluate the development of the RBA. These cover:

- Organisational strategies adopted to introduce CRP;
- Institutional ownership of CRP;
- Programme development;
- Accountability to children as stakeholders.

Rights-based monitoring and evaluation systems which involve the target group in the evaluation are effective accountability mechanisms for the organisation itself

The ActionAid Accountability, Learning and Planning system for programming rights emphasises the lack of separation between programming and monitoring and evaluation, and stresses the importance of the involvement of the poor and marginalised in the process. It is structured around the four main goals: qualitative (for examples see Box 7), quantitative, financial and impact indicators. The indicators are assessed not only by the Directorate but also by the poor and marginalised, and interpreted through participatory review and reflective processes. This not only fulfils requirements in terms of the participation of the poor in the programming and monitoring and evaluation, but also addresses the increased need for transparency in involving the target group.

Box 7 Qualitative indicators against one of the four ActionAid goals	
Objective	Qualitative information
Empowering poor and marginalised people (local level) to claim and achieve their basic rights	1) Examples of poor and marginalised people demonstrating greater awareness of their rights and demanding policy and practice change at the local-level institutions. 2) Evidence of difference in poor peoples’ lives in terms of immediate needs (through AA projects) and social status (by claiming rights, services, resources and representation). 3) Evidence of reduced vulnerability in emergencies. 4) Significance of these changes both positive and negative from the perspectives of poor and marginalised people, especially most excluded groups.

Source: www.actionaid.org/resources/pdfs/monitoring_framework.doc

4.5 Knowledge management systems for rights-based programming

Addressing capacity needs within the organisation requires systems for knowledge management, shared learning and critical debate

CARE sees coherent information systems as key to ensuring that an interpretation of RBA is found across stakeholders and partners. Both Save the Children and CARE show heavy commitment to the sharing of findings and the dissemination of experiences through a variety of methods. They stress the importance of sharing

lessons internally across country programmes to avoid each office having to start from scratch in their learning. The knowledge management tools used by CARE include an in-house journal 'promoting rights and responsibilities', workshops, and engaging with other NGOs. Save the Children has developed a huge research machine, which has involved a high degree of collaboration with academics. It also emphasises the role of workshops and trainings at the local, national and international level.

Oxfam encourages collaboration in sharing resources, and is implementing a joint approach across members for developing a system for monitoring and learning. Its aim in this is to 'support internal and external accountability, further strategic planning, policy development, advocacy and learning to enhance our capacity' (Oxfam International, 2000: 87). This system has five aspects:

- Learning from practice to improve accountability and policy development;
- Better integration of programming, marketing and advocacy;
- Building up the knowledge base of how to use the strategic objectives in order to cut down on staff time and bureaucracy;
- Tracking processes on the impact of the change; and
- General results to contribute to a mid-term review.

The design of knowledge-sharing and training should recognise that different programmes have different needs and that there is value in the equal involvement of southern offices and partners in both research and training

Some complain that there has been sporadic dissemination of knowledge focused on certain areas which have prior knowledge of rights issues. All organisations say that they offer support to staff in the organisational implications of the rights-based approach or in ways to engage in rights through training. Harris-Curtis *et al.*'s (2004) review suggests that this is occurring mostly through training organised in the north. CARE, Novib and ActionAid, however, do encourage training processes to emanate from the south. But many still stress the need for equal support for staff in the south as in the north. One of main implications for ActionAid of a RBA has been an increase in high-quality analysis from southern stakeholders, and as a result there has been a huge increase in funding of southern research and increased commitment to disseminating to wider development community.

Maintaining critical debate and questioning of the RBA is crucial but requires organisational effort

It is crucial that organisations remain self-critical in terms of the approach. As Harris-Curtis *et al.* point out, many advocates of RBAs are not keen on heeding evidence. It is in this context that, in the UK, an interagency group of rights-based NGOs is undertaking a DFID-funded review of the impacts of adopting RBA.

A rare example of critical examination of the RBA which is available to the public is the CARE publication based on five case studies of its RBA experience, chosen on the basis of their potential for learning and not on success. In these, they raise issues such as the need to prioritise rights, the importance of consistency in adopting a RBA, ways to measure impact, maintaining the support of donors, conflicts that can arise and the backlashes that occur.

Improved external collaboration among organisations is essential to debate and to the ability to be self critical. The RBA has encouraged CARE to engage in more collaboration with other NGOs to share experiences. Care US has set up an urban

rights umbrella group and Save Sweden has set up a rights-based team across South Asia.

Experience from most of the organisations suggests that the discussions around a RBA do encourage critical debate. The review by Harris-Curtis *et al.* (2004) certainly stresses the need for more questioning of RBAs. However, some staff feel that, because the party line over rights issues is so strong and because there may be value-driven barriers to criticism, debate can be 'censored'. For example, Harris-Curtis *et al.* (2004) describe how many NGO workers they interviewed criticised the questioning of a link between RBA and poverty reduction research, claiming that what was needed was less research and analysis and more appropriate tools. This raises the danger, common in the history of development, of too heavy a reliance on one approach.

4.6 The introduction of a RBA in relief and humanitarian assistance

A RBA can be applied to all programme areas, including humanitarian assistance

Many of the activities of NPA are concerned with relief and emergency programmes, including in demining activities. In many cases, there has been no attempt to apply a RBA approach to these programmes. This is now changing (e.g. Integrated Development Programmes in Tanzania; demining in Angola). The issues faced by NPA offices operating in these circumstances are:

- How to prevent such programmes becoming isolated from a RBA;
- How to move from emergency implementation to a RBA to humanitarian work;
- Whether there is still a need in some countries for a combination of emergency and development work;
- How to promote rights-based concepts in situations of immediate need (e.g. Palestine).

Save the Children has adopted a RBA in its emergency work, though in practice this is not applied consistently. UNICEF says that there is no conceptual difference in applying RBAs in development or humanitarian contexts; Save the Children, on the other hand, feels that there are specific issues involved in RBAs in emergencies. These include:

- The 'well fed dead' – that assistance without protection can only go so far;
- That retribution to advocacy may be more extreme in humanitarian contexts;
- That there are a number of international humanitarian and criminal laws of relevance;
- That RBAs recognise that crisis-affected populations are rights-holders and in so doing impose a duty for accountability in terms of internationally accepted norms on humanitarian organisations.

The ActionAid Emergencies Unit has published much on advocating rights in emergencies. One of the main issues is the degree to which a RBA makes sense in a situation where there is no political accountability. There are, however, a number of NGO codes of conduct for humanitarian aid. The Sphere Project in 1998 was an attempt to put humanitarian aid on a rights footing, to talk about the obligations of international players, and to define what is meant by good humanitarianism. This was

followed in the 1994 Red Cross Code of Conduct and in the 2000 People in Aid Code of Conduct.³

³ ODI's Humanitarian Policy Group is undertaking research on RBA to humanitarian work which could be shared with NPA later in the year.

5 Partnership implications of a RBA

5.1 The cultural specificity of rights

Organisations are recognising the need to start from local understanding of rights

An ongoing debate is how INGOs can contribute to the realisation of rights in different country-specific contexts, given the ‘universality’ of the human rights framework. While some arguments in favour of ‘cultural relativism’ can sometimes be rejected as a way of avoiding state obligations (e.g. by some East Asian authoritarian regimes – see Sen, 1999), any value system is linked to the culture in which it is located and RBAs need to be adapted to the cultures and histories of countries in which they are applied. Moreover, many organisations refer to the need to adapt language to deal with some audiences. For example, HelpAge in Asia use a culturally sensitive nuancing of rights language.

The review by Harris-Curtis *et al.* (2004) contains an interesting discussion of the ways in which this impacts on the current day NGO landscape in different European countries and shows how the country-specific history of rights affects the NGOs based within its borders and the ways in which rights are interpreted. There is a need to look closely at the southern country’s history and value system. One example of a possible tension given by Save the Children is the construction of children as rights-holders but not duty-bearers: there is a need to understand both children’s rights and their responsibilities. For example, taking children out of employment to go to school in order to promote their right to education can have adverse consequences. Following consultations with children themselves, SCF decided to stop advocating for the full eradication of child labour, and instead to find ways of combining education opportunities with children’s responsibilities towards their families, including through appropriate labour practices that do not undermine their development.

Oxfam is also struggling with how to include southern approaches to rights. To address this dilemma in 1999–2000, Novib facilitated an international ‘Linking and Learning’ process on social, economic and cultural rights, involving 120 partners, to learn about strategies for promoting rights and to acknowledge different conceptualisation of rights. More recently, Concern Worldwide has embarked on an analysis of cultural comparability of rights with partners in four pilot nations. It is using this to look at southern partners’ interpretations in an attempt not to treat northern rights approaches as the only model. Most significantly, it has committed to modifying its approach if large differences are found.

5.2 Changes in the type and form of partnerships associated with a RBA

A shift to a RBA involves an increase in the number and diversity of partners

A way of grounding RBAs in local realities is to highlight participation in programme design and monitoring and to work with partners sharing a similar commitment. NPA strongly embraces a partnership approach, which is understood as a ‘two-way cooperation relationship, the sharing of complementary resources to achieve the mission of its partners’. In its strategy, NPA aims to work with partners who share a commitment to struggling to secure human rights for all. However, NPA’s country programmes encompass a wide diversity of activities and have histories of involvement with many different forms of partners. Many issues are therefore raised by the shift in approach. These include:

- How to phase out existing relations with non-rights-based partners;
- A consideration of whether the requirement for RBA in partners represents a contradiction of the 'two-way cooperation relationship' or disrespect for the ideology of the partner organisation;
- Whether NPA partners should fully participate in the strategic realignment and the prioritisation of themes.

CARE's move to a RBA has involved working with an increased range of actors. In adopting its rights-based objectives, Oxfam was forced to make changes at all levels of its member organisations. This significantly but variably impacted on its partners. These organisations have engaged in a wider range of interventions in more sectors and at more levels and this has required partnerships with a broader range of organisations. In Novib, this led to a questioning of its policy of not having offices in the south, as partners have raised the issue of feeling isolated from the organisation (Harris-Curtis *et al.*, 2004).

One lesson that many stress is that there are advantages in taking a stepwise approach in the shift towards partners. A RBA should be built into current work, based on existing partners who recognise the value of their historical relationship, at the same time involve the phasing-in of new projects, experience and competences.

5.3 From service delivery to advocacy partners

A RBA requires partners with capacities for facilitation, mediation, leadership training and analysis

CARE stresses that the RBA approach is about facilitation, to help the voices of the poor to be heard at higher levels, as well as mediation and dialogue to manage the tensions. ActionAid also emphasises the role of NGOs as facilitators and therefore focuses on the importance of development of leadership skills among target groups so that such groups can engage directly in struggles for claiming their own rights.

These approaches require new skills which are often absent among both country-level staff programmes and partner organisations. CARE has ended relationships with partners who were not able to adapt to the required changes, and many new partnerships have been established. In many cases, this has resulted in increased support, as partners and communities are increasingly taking the lead. At ActionAid, recognising the need for the better analytical skills required by a RBA has encouraged research by southern partners; increasingly, northern partners are trained by southern ones.

Both UNICEF and Save the Children suggest exploring relationships with mainstream human rights organisations, such as women's organisations, from which there may be important lessons to learn about advocacy and campaigning. CARE is also increasingly looking towards collaborating with other INGOs with the same mandate as part of looking at how to build competencies in the key rights among other stakeholders.

An increased focus on advocacy can lead to a distancing from field-level realities which may result in a lack of evidence to feed into advocacy campaigns

There are also issues to be considered in the increased emphasis on advocacy. Many organisations report that the shift has involved a move away from partnership with grassroots service delivery organisations to advocacy organisations, which have

a tendency towards being urban-based and elite-centred. This can have serious implications for the credibility and impact of an organisation.

Evidence is a vital element of effective advocacy, and access to such evidence can be reduced when organisations withdraw from more grassroots or hands-on involvement. One issue that has been raised in Oxfam is the degree to which the role of country programmes is to promote evidence to advocate policy change, or whether their activities have value in their own right. CARE, for example, is facing problems in building enough evidence for its advocacy programmes. Similarly, UNICEF has been accused of losing its focus in becoming an advocacy organisation, as it has lost its link to 'on the ground' work. Equally, one of the reasons for the reluctance of WaterAid to embrace an explicit RBA has been the belief that its greatest strength is in its practical work, which gives it a link to grassroots organisations. As a result, there is a tendency by most organisations to stress the importance of maintaining some direct field action while at the same time ensuring their projects are not stand-alone but rights-based.

5.4 Local realities determine the form of partnership

Some contexts result in constraints on the feasibilities of certain rights-based activities and partnerships
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Lessons from UNICEF show very clearly that programme strategies have to be adapted to suit specific contexts at national, regional and local levels. Strategies used by UNICEF, therefore, vary hugely depending on the social, economic, cultural and political context. This owes partly to variations in civil society and the types of partners available to do the work. In Latin America, with stronger government institutions and better developed civil society, there is a focus on the national level and working with legislative, policy and institutional reform in relation to rights, and on analysis of public spending and mechanisms for monitoring rights involving both governmental and NGO actors. In East and Southern Africa, it is felt to be more strategic to work at the community level, because there are fewer institutions and resources to implement political decisions and delivery services are lacking.

The capacity of civil society to engage in various activities is key. For example, Theis (2004) finds that where civil society is strong and organised, as it is in Brazil, legislative reform is more participatory. On the other hand, the lack of civil society participation in the PRSP process in Bosnia Herzegovina was a result of limited capacity and experience in civil society in carrying out poverty-related analysis, and of government resistance to civil society involvement.

Theis (2004) also discusses the ways in which transparency in the allocation of public resources can be strengthened, even in difficult political contexts. He gives the example of Ecuador, where the government did not encourage civil society participation so UNICEF recruited consultants to carry out budget analysis. Based on this, the government agreed to link social and economic decision-making and increased social spending by 15.5% as compared with that allocated for 2000. This led to increased advocacy and work in these areas. The success was put down to:

- A representative who was prepared to hold dialogues with high-level officials;
- The president giving UNICEF access to budget data;
- Experienced consultants who were taken seriously by the government;
- Making the results accessible to a wide range of actors;
- Using the opportunity of the economic crisis, which created more openness.

5.5 Reducing the risks for partners

There is a need for contextual risk assessment of the potential impact on partners who engage with a RBA and to ensure that partners are in a position to make an informed choice about the nature of the risks that they are likely to face

All organisations recognise the risk entailed in a RBA of exposing both partners and vulnerable members of the community. At the extreme, there are many examples of the killing or arrest of human rights defenders and the challenge of traditional power bases; addressing the political causes of poverty can lead to many forms of retaliation. Therefore, there is a need to operate differently according to the political context in which one is working. CARE UK is currently developing a risk assessment tool to inform its RBA.

Save the Children discusses the concerns associated with the empowerment of children in contexts where there is no acceptance of children expressing their views. It recognises the need to look at the unintended consequences of empowering children. Its next step is to explore strategies to ensure that groups with which it is working are in a position to make an informed choice about the nature of the risks that they are likely to face.

In some cases, however, Save the Children has found that working with governments has been helped by the RBA; others comment that in many cases governments are not hostile in principle, but lack expertise and resources. It is in this context that Save the Children is looking into the development of a pilot on risk assessment to set out an approach for working with government and ways in which to avoid a shutting-down of communication.

6 Conclusion: managing change associated with introducing RBA

6.1 Pace of organisational change

Significant organisational changes are needed to align new agendas, planning processes and approaches

As we have seen, the introduction of the RBA has resulted in the need for significant organisational change in all organisations reviewed. Oxfam's experience has been the need for organisational change to align the planning process, programme agendas, and advocacy and marketing departments of the member organisations with the new strategic objectives. Clear organisational change and development has also resulted from the commitment to the RBA in ActionAid. Most notable is the change in board composition, which is now more equitable in terms of north and south representation, specialisation, gender and age. Increasingly, technical expertise is coming from partners in the south.

In the case of both CARE and Save the Children, certain individuals have played a key role as change agents in the direction and speed of a shift to a RBA. However, it is clear that in both cases senior-level commitment and resources have been crucial in adopting new tools and ensuring a fundamental shift.

Steady and stepwise organisational changes are more sustainable than rapid forced changes

According to the review by Save the Children, slow and steady change is more sustainable than forced change. The challenging of power relations involved in a RBA will inevitably lead to resistance and thus change is slow; attempts to speed it up will lead to backlash. In practical terms, there is also the need to maintain programme activities at the same time as fundamental shifts may be occurring. This again suggests the need for a stepwise and slow integration of the changes.

RBAs have longer-term outcomes (such as policy change or attitudinal change) and therefore need longer-term investment. But this has implications for planning processes and means committing to retaining priorities over the long term as well as being aware that there may be a constant renewal of partnership or groups of stakeholders with which one is working. Plan International, for example, is committing to working with communities for 10–12 years, but this approach would have unrealistic funding implications for most organisations.

6.2 Changes in capacity requirements and organisational process

The need for capacity development and lesson-sharing among staff should not be underestimated

One of the main issues is how to deal with the variance in understanding of rights-based issues among people in the organisation. Save the Children regards the need to build commitment and capacity among staff as one of its main priorities. According to Harris-Curtis *et al.* (2004), there are many examples in Oxfam of a RBA being used by people who do not understand the relationship between development and human rights. The concept is new to many, and tackling this requires investment in capacity development and lesson-sharing. In Plan International, some staff were intimidated by the language and the complexity of the programming.

Internal analysis of staff and partner competencies can be useful in designing relevant capacity-building programmes

Many organisations emphasise the need in adopting a RBA for an internal analysis of competencies. Save the Children has completed an audit of training needs and activities in member organisations, and there have been many changes in its head office to respond to new capacity needs. The Save the Children review highlights the need for systems to be developed to provide competencies across the themes which are prioritised by the RBA. Concern has also assessed the attitude and capacity of its staff; it was found that knowledge was greater among southern partners than northern. One further important issue to consider is that a RBA will often result in the need for INGOs to reduce foreign staff in order to build local capacity. This has been an explicit aim of ActionAid, which is in the process of relocating its head office to Southern Africa. The withdrawal of money from technical and 'hardware' assistance may result in increased amounts of money available for southern partners.

The promotion of integrated and cross-sectoral ways of working can help promote understanding of RBAs

One necessity for a RBA is to promote integrated ways of working through a redefinition of teams. To ensure that a rights approach is understood by all staff, even those involved in emergencies work and health issues etc., Oxfam has found that it needs a cross-sectoral and multidisciplinary focus. This requires drawing together staff with different skills and expertise. UNICEF's programme in Morocco established intersectoral groups for services, research, evaluation, child protection and advocacy.

A RBA requires a different skills base with more of an emphasis on analytical than on technical skills

CARE's competency model for RBA places emphasis on conflict resolution, peace-building and analytical skills. This has led to the hiring of more social scientists and fewer technical experts such as engineers and nurses. Plan International's shift to a RBA was followed by the hiring of a 'rights and participation' adviser; regional offices are now looking to create similar posts. One lesson from this experience is that this post needs to be able to work across sectors.

A RBA to the organisation requires respect for rights and diversity in the organisation itself

CARE now has commitment to rights of staff and programme participants, and this has affected the way in which staff have been recruited, in that there are more staff from poor and marginalised groups. The DFID Rights Review also highlights steps taken internally within DFID to promote staff diversity (Piron and Watkins, 2004), whereas the SDC evaluation shows how domestic push in Switzerland for greater gender equality affected SDC's own staffing policy and the realisation that gender had to become more prominent as part of its programming (Piron and Court, 2003).

6.3 Key issues for NPA

Lessons from this review show that operationalising a RBA requires developing a consistent understanding of the approach across an organisation, and identifying what needs to change and what can be built upon, accompanied by the development of a communication strategy and tools to put the approach into practice. For

organisations like NPA which work closely with local partners, this process involves sharing the approach with partners, and examining the extent to which existing partnerships can continue and ways in which they need to be amended. The design and monitoring of projects/programmes may need to be revised to reflect the RBA, in terms of both objectives/results and processes. A RBA should be built into current work, based on existing partners, recognising the value of historical relationships while involving the phasing-in of new projects, experience and competencies.

Based on this review of INGO experiences, as well as interviews with NPA staff, this report suggests the following key themes that need to be addressed by NPA as it takes forward its work on RBA.

1. Definition of a RBA

- The balance between human rights standards and principles
- The balance between duty-bearers and rights-holders

2. Accountability of NPA

- NPA's mandate and constituency
- The implications of being a solidarity organisation
- The place of poverty reduction

3. Organisational issues

- Degree of commitment, ownership and integration across the organisation
- Degree of decentralisation and experimentation with the approach
- Integrated staffing approach
- Capacity at head office matching what country offices need in terms of support
- Funding issues

4. Technical support

- Methodologies/tools needed to operationalise the approach
- Monitoring and evaluation
- Training
- Lesson-learning and sharing
- Knowledge management

5 Country-level issues

- Starting from a situation analysis to do RBA programming
- Corresponding a RBA with local realities
- Prioritisation of themes and matching them with country realities
- 'Is the 'rights to democracy' theme too broad to be practical?'

6 Partnerships and service delivery

- Does a RBA mean abandoning service delivery or delivery in a different way?
- Historical links and partnerships
- How to shift to partners' commitments to RBA

7. Humanitarian assistance

- The need to include RBA in humanitarian assistance

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Annex I Background to a selection of organisations referred to in the review

Organisation	Meaning of the rights-based approach to the organisation
<p>Save the Children</p> <p>-The International Save the Children Alliance works in close collaboration with its members. Each member has autonomy with regard to programming, policy and strategy.</p> <p>-There is a move to consolidate initiatives within specific countries. Nepal, Sri Lanka, Uganda and Papua New Guinea are targeted for this process.</p>	<p>-Save the Children 'emphasizes that a rights approach is fundamentally different from a needs approach'.</p> <p>-Save the Children believes a rights approach is morally right and that it produces benefits to traditional approaches to work.</p> <p>-At Save the Children, rights-based programming 'draws on values, instruments and mechanisms of human rights, development and social and political activism' (Theis, 2003).</p> <p>-Save the Children has been involved with monitoring and evaluation of RBA and has committed significant resources to this endeavour. It has published extensively on child rights programming and have many lessons to share with other NGOs.</p>
<p>Oxfam</p> <p>-Oxfam is a confederation of 12 organisations working in over 100 countries.</p> <p>-The vision of Oxfam International is that through a large coordination of different NGOs, the impact on poverty will be greater.</p>	<p>-Oxfam GB's regional offices played a key role in the change of policy to a RBA.</p> <p>-A broader 'basic rights campaign' started in 1992, remaining depoliticised in the early days. Since then there has been much more interconnection. However, with the Vienna Conference human rights were mainstreamed and depoliticised and in the 1990s the RBA became a unifying and less radical concept.</p> <p>-Oxfam International's strategic plan for 2001–2004 was created through a rights-based framework.</p> <p>-Oxfam's 2001–2004 strategic plan adopted a rights-based framework for the first time.</p> <p>-Five corporate aims are framed in rights language as organising principles. This has resulted in 'strategic change'.</p> <p>-Rights are at the core of Oxfam's value system – Oxfam's focus is on the 'realisation of economic, social, and cultural rights within a wider human rights context'.</p> <p>-Long-term and medium-term programming aims and objectives are written within a framework of the RBA.</p>
<p>ActionAid</p> <p>-ActionAid is an international development agency whose aim is to fight poverty worldwide.</p> <p>-In 2003, it established a new head office in Johannesburg, South Africa, and began the process of making all country programmes equal partners with an equal say on how they operate.</p>	<p>-In 1998/99, ActionAid embarked on the journey to change its organisational strategy.</p> <p>-This was the lead up to 2000 when the organisation adopted an explicit rights-based approach.</p> <p>-ActionAid is one of the organisations that has incorporated 'the rights approach' into its mission and explains this in numerous documents and in its strategic plan.</p> <p>-ActionAid's approach to rights work is viewed as flexible.</p> <p>-Interestingly, ActionAid's rights approach seems to have been driven by the south but has been encouraged by major funding from DFID, which was contingent on a shift in approach to programming and development.</p>
<p>One World Action (OWA)</p> <p>-One World Action supports organisations committed to building the democratic process and enhancing the lives of poor people in developing countries.</p> <p>-One World Actions supports initiatives on the ground but also lobbies policy-makers in an effort to influence decisions that affect poor people in developing countries (OWA website).</p>	<p>-Human rights are the core of One World Action's work.</p> <p>-OWA 'believes that development can only be achieved by encouraging people to exercise their human rights. Social, economic, political, cultural and civic rights are indivisible and universal.'</p> <p>-One World Action's rights-based approach informs how the organisation works with partners and stakeholders. The RBA interprets poverty as not just 'limited or no income', but rather as examining peoples 'lack of control over their lives'.</p> <p>-Using the rights approach, OWA supports poor people in the process of holding their government accountable and cultivating opportunities for participation in decision-making processes that affect their lives.</p> <p>-Working collaboratively with partners, OWA 'builds capacity of women in vulnerable situations to defend their human rights, including sexual and reproductive rights, strengthen the ability of women to exercise their socio-economic rights by advocating and lobbying for public policies that promote economic independence' (OWA website)</p>

Organisation	Meaning of the rights-based approach to the organisation	Case study
<p>CARE</p> <p>-CARE is an independent humanitarian organisation working to end world poverty with programmes in about 70 countries.</p> <p>-CARE International's mission is: strengthening capacity for self-help; providing economic opportunity; delivering relief in emergencies; influencing policy decisions at all levels and addressing discrimination in all its forms</p>	<p>-CARE's vision and mission was developed 1998–99. It is very rights-based and represents a huge transformation in which personalities and champions were key to its success.</p> <p>-Despite the reluctance of USAID, there has been much thinking in Care US on these issues. In 2000, Care US began to discuss rights issues using the term 'underlying causes of poverty'.</p> <p>-Historically, CARE has had a needs-based approach and now has made the shift to rights-based programming.</p> <p>-The first Rights Meeting Group took place in 1999 in Atlanta and a Rights-Based Reference Group now meets every year.</p> <p>-In 2001, seven core areas became the programming principles which are now applied to everything CARE does.</p> <p>-These principles were developed and proposed by the programme working group, and they were approved by the board.</p> <p>- CARE has committed to extensive training and research in this area.</p>	<p>-Care Ecuador has facilitated training for local people to become paralegals who advocate for specific legislation. The issues were related to cultural diversity and conflict over land tenure. Instead of advocating for the local people, Care Ecuador facilitated them to do so for themselves. As a result of this approach, the communities can now claim their land using their own paralegals. This is a clear example of sustainable development.</p>
<p>UNICEF</p> <p>-UNICEF is mandated by the United Nations General Assembly to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential.</p> <p>-It aims, through its country programmes, to promote the equal rights of women and girls and to support their full participation in the political, social, and economic development of their communities.</p> <p>UNICEF works with all its partners towards the attainment of the sustainable human development goals adopted by the world community and the realisation of the vision of peace and social progress enshrined in the Charter of the United Nations</p>	<p>-Human Rights and the rights of children and women are core to the work done by UNICEF.</p> <p>-In 1998, the organisation adopted a human rights-based approach to programming for rights of children and women. As a result, all country programmes are focused on the realisation of the rights of children and women.</p> <p>-Human rights principles such as universality, indivisibility, accountability and participation guide the work of UNICEF.</p> <p>-Like many NGOs making the shift to a RBA, UNICEF asserts that poor people are key agents in their own development and not victims or beneficiaries of services and goods provided by others.</p> <p>-A rights-based approach will require greater emphasis on advocacy, which will result in changes to policies at the national and international level.</p> <p>-The new emphasis on advocacy will require the development of new competencies in staff.</p>	<p>-In Venezuela, the children's movement is organised across the country with child leaders working together to bolster the movement. Indigenous youth and children were key agents in lobbying the government to pass a new child law and address the multitude of issues facing indigenous children. This is an example of UNICEF's principle <i>Respect for the Voice of the Child</i> in action. It directly supports children, adults and organisations to claim their rights.</p>

Organisation	Meaning of the rights-based approach to the organisation	Case study
<p>Concern Worldwide</p> <p>Concern's mission is to enable the poor to achieve major improvements in their lifestyles which are sustainable and without ongoing support from Concern. It works with the poor themselves and with local and international partners to create just and peaceful societies where the poor can exercise their fundamental rights.</p>	<p>-Concern is at the forefront of the movement to adopt a rights-based approach.</p> <p>-Concern is committing itself to adopting a rights-based approach in its work at all levels. [These include] Development Targets, which deal with economic, social and environmental development and focus on poverty and human development... (Concern 2002).</p> <p>-Concern has put together a series of policy documents which outlines their RBA. This is to help guide staff in the development and direction of programming.</p> <p>-Rights are not explicitly stated as a core organisational value in documents: 'Concern believes most of the current values imply a commitment to rights.'</p> <p>-Evidence shows there is a lack of knowledge about rights, among Concern staff in the field. There seems to be more knowledge in the south than the north.</p> <p>-By the end of the plan, 'all projects will embrace Concern's rights-based approach to planning and will conform to agreed organization minimum standards.' This means Concern has started the process of mainstreaming the RBA in their work.</p>	<p>-In Cambodia, 'Concern has had considerable success in networking organizations together to advocate for land rights. There has now been a change in the legal recognition of the rights of village to manage their own forest land.' (Williams, 2003 in Harris-Curtis et al, 2004.)</p>
<p>Christian Aid (CA)</p> <p>-CA is the official relief and development agency of the 40 church denominations in the UK and Ireland.</p>	<p>-Like many of the faith-based NGOs (such as World Vision), Christian Aid (CA) does not subscribe to a rights approach. Rights are linked to specific groups or issues like child labour, but 'there is no encouragement or requirement for CA's partners to have a rights-based approach'.</p> <p>-Rights are critical for the working relationships of CA in places like: the Caribbean, Asia, and Latin America.</p> <p>-While CA will work with rights in various different contexts, the organisation does not 'engage in rights language'. Instead, it prefers to use language such as that regarding marginalisation and justice.</p> <p>-Rationale: the 'Convention tends to emphasize rights over duty, which CA rejects. This is important to CA as faith demands the duty of the individual to the community and those less fortunate who are living in it.'</p>	<p>-Unlike other NGOs, CA does not make a direct link between rights and development and has no policy framework for work on rights.</p> <p>-CA has specific examples of working on rights issues, such as supporting their aid partner, Nkuzi Development Association in South Africa, in reaching a settlement where the Land Claims Commission returned some 700 hectares of land.</p> <p>-CA does not engage directly in rights work; however, it is gaining a profile for its role in facilitating it.</p>
<p>Cordaid</p> <p>-In 2000, Cordaid merged with Memisa, Mensen in Nood and Vastenaktie. It builds on the Catholic origins of the merged NGOs.</p>	<p>-Cordaid does not subscribe to a rights approach to development.</p> <p>-However, like Christian Aid, it works with rights in various contexts.</p> <p>-The main principles are subsidiary and solidarity.</p> <p>-The Dutch government imposes choices on Dutch NGOs. NGOs have to choose specific themes; rights are not a priority for the government.</p> <p>-Cordaid works with rights through the themes of quality of urban life, HIV/AIDS, conflict management, trade and access to markets and healthcare.</p> <p>-In Asia, Cordaid is involved in various types of programming as it relates to their interpretation of rights.</p>	<p>-Cordaid believes that rights pertain to all the aforementioned themes.</p> <p>-It appears that different parts of Cordaid are either more or less engaged with rights. In Eastern Europe, Cordaid is engaged less in rights work than in Latin America. In Palestine, all of Cordaid's work focuses on rights issues.</p>

Annex II Issues, dilemmas and questions raised in the NPA interviews

What does the organisation mean by a RBA?

- Where should one draw the line over what is a RBA? Does one need to draw the line?
- The pros and cons of being very clear as to what is meant by a RBA versus being flexible about it

Strategy development

- How to deal with the need to structure and focus an institution which in the past has been based on individual and uncoordinated activities.
- Degree to which partners should be involved in strategy development on an issue they may not be familiar with.
- Degree to which partners should be involved in prioritisation of themes.
- How to avoid prioritisation of themes which is only dependent on competencies and history of organisation (or does that not matter?).
- The pros and cons of using an overt RBA approach versus a 'silent' one – double language.

Value-based issues

- How to tackle the issue of individual rights versus collective rights.
- How to vocalise and decide on a positive in the individual versus collective rights debate.
- What is the mandate and constituency of the organisation and how does that affect the operationalisation of a RBA?
- From whom do they get their mandate – target group?
- Degree to which a country-specific definition of human rights can be accepted versus a universally accepted definition.

Themes

- How did they chose their thematic priorities to ensure they reflect realities?
- How to decide which of the myriad of rights to give priority to. To what extent should thematic areas be reduced and focused in on?
- Ways of considering a) the relevance of the rights versus b) the risk of getting involved.
- How to deal with very wide themes e.g. democratisation.
- Issue of distinguishing between a target group and a theme, e.g. should IP be a target group rather than a theme?
- How CO to decide what themes to work with [capacity and local context]?

Relationship between COs and HO

- How to avoid RBA becoming a top-down approach?
- How to avoid a split between CO and HO?
- How to deal with opposition and resistance from CO?
- How to deal with a situation where pressure to shift to a RBA is felt at the HO but not at the CO level?
- How to get feedback and dialogue on a strategy from CO when they are not engaging in a strategy – problem of a time-lag.
- How to match programmatic focus and capacity at head office.

Programming

- How to operationalise a RBA through to practical level. How to transform strategy into project planning and everyday activities.
- How should the process of a RBA managed and over what timescale?
- Should shift be made gradually or rapidly? The speed at which strategy into action should take place.

Organisational issues

- Is it necessary to do organisational change before implementing the strategy? Are drastic changes in the office set-up necessary?
- What forms of internal analysis was done on the competences for doing RBA?
- How to deal with changes in competence requirements.
- Can one work with existing staff and really have real change – depends on the size and direction of the change.
- The organisational consequences of the shift in the strategy – i.e. need to reflect this in capacity at HO – but no finances to hire new people so have to retrain existing ones.
- How to change staff from bureaucrats to political actors.
- How to deal with 'downscaling' that a RBA requires – i.e. more time and less money. How to downsize staff.

Capacity

- How to move to a RBA when capacity is lacking or variable.
- What kinds of capacity are needed in shift to RBA from service delivery?
- How to develop better capacity for research and analytical needs in partners.
- Where and how to find support for deficiencies in capacity?
- How to deal with tendency for strategy to be based on existing advisors and implemented through existing partners.
- How to deal with lack of capacity to make shift in the organisation.
- Plus need for competence in organisation on thematic areas.

Knowledge management

- How to help mature staff in understanding RBA issues.
- How much interaction and lesson-sharing do they have with other NGOs?
- What is the role of HO desk officers and how can they help?
- How to accumulate and learn from experiences.
- What new research/analysis needs emerge from a RBA?
- What process of documentation is needed?

Partners

Lack of partner options

- How to work in contexts without active partners.
- What criteria does one use for the choice of partners?

Degree of ownership of partners

- To what degree should partners be involved in the strategy development?
- How to involve partners in strategic realignment.
- What if partners are not voicing need for change?
- How to deal with the plea – 'one cannot eat HR'?

Increasing capacity in partners

- How to judge whether partners should be phased out or worked with to capacity build?
- How to get existing partners to adjust to thinking.
- How does a RBA affect management needs and organisational development in partner organisations?
- How they have developed partner's capacity of a RBA etc.
- How to find or create new partners.
- How to avoid overburdening partners with jargon and new terminology and make it relevant to their reality.
- How to discuss new roles and ways of working with partners.

Dealing with past commitments to partners

- How to avoid 'starting from scratch' and how to build positively on history.
- How to shift to advocacy work with partners without breaking all ties with old partners.

- How to deal with commitments from the past.
- How to phase out partners and maintain commitments to partners and not affect them.
- How to deal with the issue of loss of goodwill and historical ties in dropping partners.
- How to overcome the strong ownership and personal relationships that CO directors and staff may have with partners, or a particular way of working, when they can see the impact of dropping them as partners.
- In dire situations, e.g. Intifada, cannot ignore immediate needs – ‘it is a matter of solidarity’.
- How to maintain credibility of NPA.
- How to create a positive relation over RBA with local authority or government partners or stakeholders How to get over lack of trust.

Implications of working with different kinds of partners

- How to avoid strictness of criteria pushing out grassroots organisations.
- How to avoid distancing oneself from the grassroots if only working at the advocacy level.
- How to avoid only partnering with becoming the ‘globalised elites’ and urban middle-class groups.
- How to maintain a link between the micro and macro without losing touch of the ground realities.

Implications for the partners

- The introduction of a RBA can reduce running costs and create more resources for partners.
- How has decentralisation affected the impact of a RBA [made it more possible for smaller, CBOs to influence local authorities]?
- Experience of partners shifting from non-governmental to being part of the government (Sudan in NPA’s case).
- Staying outside the mainstream aid environment can reach marginalised people more (Ethiopia) – creates space for unique trust and space for influence.

Political hazards for partners

- How to find partners to deal with controversial issues, e.g. Gacaca in Rwanda where reform of justice system leaving people without civil rights.
- How not to expose ones partners either as being donor-friendly or anti-government.
- Dilemma that in some situation some partners are not prepared to come on board owing to collision with authorities.
- How to deal with shift when partners are government employees.

Issues raised by being a solidarity movement

- E.g. how to deal with the use of land mines by partners (SPLM).
- Nature of conflict has changed in last 20 years and landscape of rebel groups.
- Does taking a RBA allow one to be more or less political?
- How to implement a RBA in situations where the organisation is taking sides?

Funding structures

- How does the nature of the funding structure affect a RBA (e.g. stable funding which gives more leverage)? Or is it better to have multiple sources and less reliance on one?
- How important is the nature and understanding and attitude of the donors?
- Does a RBA change the attitude of the organisation to what kind of money it will accept?
- How to deal with pressure from public to be an emergency aid organisation.

Service delivery

- How have they dealt with the mismatch in the relationship between emergency work/service provision and RBA?

- How to combine or justify the continuation of hardware programmes, e.g. demining.
- How to avoid mere 'rewrapping' of non-rights-based programmes.
- How to deal with old commitments and phase out programmes.
- Degree to which technical support should be kept as a courtesy and goodwill.
- Does one have to deliver some kind of hardware in order to be trustworthy and accountable in settings where one is dealing with marginalised people?
- Can service provision in a thematic area be considered a RBA?

Emergency

- How to deal with RBA in emergency/refugee camp/logistical situations.
- How to prevent relief programmes becoming isolated from a RBA.
- How to move from emergency implementation to RBA.
- How to make a shift from a programme which has been dominated by military and humanitarian workers.
- Taking a RBA to the tsunami.
- Is there still a need in some countries for a combination of emergency and development work?

Monitoring and evaluation

- How to support M&E in partners and own organisation.
- How to measure impact of human rights. Indicators for the delivery of rights.
- How to use indicators and M&E to make the organisation more accountable. Should there be monitoring of the shift?

Different country contexts

- How to deal with different country contexts.
- RBA in different civil society contexts.
- RBA in different legal contexts (e.g. countries where there is no law of association).
- RBA in difficult political contexts where rights language is seen as a threat.
- How to take a careful approach to wording and rhetoric in some of the countries, e.g. Burma.
- How to promote rights-based concepts in situations of great need.
- Dealing with different histories of involvement across the organisations, e.g. some CO doing direct implementation of schools and clinics.
- Different histories of working with partners.

Land issues

- Interaction of customary and national land.
- Dilemma of choosing whose rights to champion.
- What defines a RBA to land resources? E.g. seed banks, microcredit.
- Issue of playing into the neo-liberal agenda.
- Who does one support in the land rights issue – agriculturalist versus pastoralist – does one have more rights? Dealing with value judgements.
- What is the best way to use the land rights idea?
- How to mark a position on the de Soto debate and privatisation?
- Collective versus individual rights.

Indigenous peoples

- How did they deal with the definition of the term in areas where marginalised people are not necessarily indigenous?
- How to define 'oppressed groups' and vulnerable groups'.
- Problems of taking an ethnic approach and so not capturing diversity within groups.
- How to work with mixed ethnic groups when partners may be an ethnic group.

Annex III Interviews held

Interviews held included with CARE International UK, Save the Children, HelpAge International and WaterAid. An interview was also carried out with a former Oxfam staff member and a brief discussion was held with a One World Action staff member. In addition, a meeting for the UK Interagency Group of rights-based organisations was attended where some informal discussions were held. Telephone interviews were held with five NPA head office advisers and six NPA country programme representatives (see below). Preceding this, at the end of 2004, there were discussions with the NPA's Horn of Africa advisors.

Organisation	Position
CARE International UK	Head of Technical and Policy Unit
Save the Children	Child Rights Programming Adviser
HelpAge International	Policy Development Manager
Water Aid	Policy Officer
Oxfam	Ex-Policy Adviser to Emergency Department
One World Action	Head of Programmes
NPA	Head of International Department
NPA	Head of the Development Section
NPA	Adviser, Great Lakes Region (head office)
NPA	Adviser, Latin America
NPA	Adviser, Land and Resource Rights (head office)
NPA	Adviser, Horn of Africa
NPA	Resident Representative, Tanzania
NPA	Resident Representative, Zimbabwe
NPA	Resident Representative, Cambodia
NPA	Resident Representative, Angola
NPA	Resident Representative, Northern Iraq
NPA	Programme Coordinator, Palestine

Annex IV Workshop report

Norwegian People's Aid Workshop on Rights-Based Approaches 21 January 2005

Introduction

On 21 January 2005, Norwegian People's Aid (NPA) organised a one-day workshop on rights-based approaches (RBA) at its headquarters in Oslo. The day was facilitated by the Overseas Development Institute (ODI), which had prepared a draft report reviewing lessons from other international non-governmental organisations (INGOs) that had adopted RBAs. ODI had also conducted interviews with a number of NPA staff to prepare for the day.

The objectives of the workshop were to:

1. Provide an introduction to the latest developments on RBAs.
2. Learn from the experiences of other INGOS.
3. Facilitate an internal discussion within NPA.

This brief note summarises suggestions for NPA to take forward its RBA based on the last session of the day.

Discussion

The following themes emerged during the course of the desk review and the day. They were discussed in small groups and then in a final plenary session.

1. NPA mandate

It was felt that there was no conflict between NPA's status as a solidarity organisation and its commitment to a rights-based approach. Solidarity required more than rights; it pointed to mutual interests and shared political struggles. Poverty reduction should not be seen as an end in itself: NPA was interested in sustainable, structural changes and not just in tackling symptoms. A RBA could help NPA achieve this. Whereas the MDGs could be seen as apolitical, a RBA was explicitly political.

There were a number of challenges for NPA. It had a number of different constituencies (members, donors, local partners) to which it presented itself. Partners were felt the least influential but at the same time NPA's main constituency. NPA had to prepare itself for the forthcoming Congress. There was also a gap between NPA's international work, which might be more political, and its domestic work, which was less so.

2. Organisational change

The key question was how to go about implementing the existing strategy, rather than revisiting the past and the content of the strategy. There was ownership of a RBA in the administration in Oslo, but perhaps not across the organisation.

A number of activities were required to enhance ownership as part of a *process of change*. A longer-term perspective was needed, rather than drastic change, with capacity-building, experience-sharing and developing expertise (perhaps by recruiting new staff). What was essential was to retain enthusiasm! Changes were required at the level of daily working practices (e.g. standard operating procedures) and there was a need for plans to take this forward (differentiating between what was

required at headquarters and in country offices). There was also a need for a short document summarising NPA's approach to rights, which could be clearly communicated.

3. Technical issues

NPA needed a number of new tools in order to implement the approach. The need for an adequate monitoring and evaluation (M&E) system was stressed. This was a general need for NPA and there was a new M&E group looking into best practices. A focus on M&E could help in terms of institutionalising the RBA. The organisation itself needed better indicators of change, reflecting the different needs of country programmes/projects. Situation and power analyses would also be useful to inform programme design. The way to enhance competency was through increased interaction within NPA and mutual learning. The fact that NPA's strategy had a limited number of themes made mutual learning easier around those themes.

4. Country contexts

NPA worked in a diversity of country environments, which meant that its RBA could not be uniform. In Zimbabwe, rights work was becoming more difficult. This highlighted the need for NPA to undertake a proper political and human rights situation analysis to ground its programmes. NPA did not necessarily need to develop internal capacity to do so and could rely on other organisations, but it had to learn how to use the information and translate it into programmes.

Some country offices had done more on RBA than others and had a high degree of skills that could be better used across NPA. There was a discussion as to whether a RBA was more top-down because it was related to implementing NPA's fixed strategy. This was not felt to be necessarily the case.

5. Partnerships

NPA's strategy required it to work with RBA partners. ActionAid had gone through a radical change: was NPA ready for it? Change had already happened; some partnerships had ended, new ones were formed. There was a question of the extent to which partners should have been more consulted, but it was considered legitimate for NPA to decide to change its strategy and approach. However, NPA now needed to be forward-looking. NPA would be changing local partners regularly and there could be a code of conduct on how to go about it. A distinction also had to be drawn between changing partners and changing the nature of the partnership. Learning from past experiences might be useful to inform future guidance.

6. Service delivery and humanitarian assistance

A RBA had been considered by some to conflict with a service delivery mode, and there had been less progress in the mine action area. NPA might lose its legitimacy if it moved out of service delivery. However, it was felt possible to have a RBA to service delivery: rights movements could be built around services but the goals had to be broader. A challenge was the lack of competence among NPA staff but there was a range of experiences to learn from (Sri Lanka was a partnership programme whereas Angola was more service delivery). Impact assessment tools could help set targets at the national and community levels. Key questions for both RBA and service delivery included: whose rights do we prioritise/whose priorities; partnership or participation; and how to ensure sustainability?

Next steps

The following suggestions are based on the final discussion on the day as well as experiences from other organisations that have moved towards a RBA.

1. Introduce a change management process

The suggestions described here require a mechanism to map out and manage a change process within NPA. A small team in headquarters should be tasked with taking forward NPA's RBA. The team should involve representatives of country programmes and see how headquarters can 'service' country programmes as well as learn from them. It should also interact with sources of expertise outside NPA.

2. Set milestones and measure institutional progress

The team would need to identify clear institutional objectives, undertake a baseline study (or equivalent, starting from achievements up to end 2004) and set milestones to monitor progress over the coming years. There are clear deadlines: the Norad evaluation of the framework agreement and the 2007 National Congress would require NPA to demonstrate how it had gone about implementing its RBA and with what impacts. The Norad evaluation only covered some regions but all regions where NPA worked should be covered. Angola's planned review of the strategy in 2005 could serve as a pilot. Preliminary assessments should be undertaken by 2006. There could be selective reviews of one country programme per region.

3. Develop a shared understanding of NPA's RBA

NPA does not need to revisit its strategy or its RBA radically, but it does need to clarify it and communicate it clearly to its staff. A short document circulated to country programmes summarising key points would be useful.

It should build on NPA's experiences to date (see point 6). It would need to show how NPA can move beyond having adopted specific 'rights' themes to working on them in a RBA. It should explicitly discuss issues such as service delivery, how to work with partners, and how to combine a solidarity perspective with a RBA.

4. Build staff capacity

The team should also assess staff capacity needs. It may be that new staff would need to be hired to provide internal technical advice, or NPA may be able to work closely with external partners. NPA's current approach to induction and training might need to be reviewed to see how RBA perspective could be introduced (rather than to roll out a new course on RBA).

5. Develop and use amended tools and procedures

Institutionalising the approach will require new tools, or revising existing ones. However, instead of developing a whole new set of tools, NPA should review the ones that other INGOs have developed and see which ones might be the most appropriate, and then adapt them to NPA's mandate and procedures.

The priority is for:

- **Programming tools:** to undertake country assessment (political/power and human rights analysis) and at the level of projects.
- **Monitoring and evaluation:** to assess progress at a project, country programme and overall institutional level.

6. Set a system to learn internally

Organisations best learn from themselves. NPA should document the positive experiences in some country programmes and use them to inform the development of additional tools (for example, the Zimbabwe workshop with partners).