

Human Rights: Promoting accountable aid

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Human rights remain an uncomfortable issue between aid agencies and their partners in developing countries. This need not always be the case. Kofi Annan, the UN Secretary General, recently put forward the notion of a larger freedom which 'encapsulates the idea that development, security and human rights go hand in hand'. He is right. Yet human rights are strangely missing as a positive force in this year's debate on international assistance.

The wider public in both developing and developed countries care about human rights. It is governments that are not living up to their commitments. A year ago, we saw outrage at the use of torture in the Abu Graib prison in Iraq; UN human rights investigators are still trying to get access to places of detention under US control, such as Guantanamo. We are still seeing a lack of effective international action to address the crisis in Darfur. Bob Geldof was recently 'disgusted' at the use of military might in Ethiopia to put an end to a student demonstration. Human rights have come onto the G8's agenda in the form of condemning slum clearances in Zimbabwe.

These events are attention grabbing. Yet, the language of human rights is not only about condemning egregious abuses. It can be used to target aid so as to help the poor realise their basic rights. This means helping governments translate their legal commitments, as found in the range of international treaties they have signed, into policies, programmes and budget allocations resulting in concrete improvements. It is about a different relationship between populations and their rulers, based on equal respect, participation and accountability.

Human rights are thus also about supporting positive developments. Social movements in Brazil have been campaigning to put an end to gender and race discrimination in one of the world's most unequal societies. The present government is responding to those pressures, and Afro-Brazilians are starting to benefit. In South Africa, the courts are taking tough decisions to ensure that the Constitution's lofty ideals are put into practice; this has led to rulings



*A displaced Sudanese woman carries her child on a donkey at Farchana refugee camp in eastern Chad
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in favour of access to basic shelter, education and even medicine.

Though Kofi Annan is correct, promoting human rights, development and security together is not a straightforward matter. A recent series of meetings at the ODI took up the challenge, and examined the place of human rights arguments in humanitarian crises, peace processes, economic and human development and other aid efforts.

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For example, in extreme emergencies, the language of rights does not make much sense where there is no state able or willing to act upon the obligations demanded by the international legal regime; humanitarian aid to meet basic needs is a more helpful framework in the short-term. And when compromise is needed to end conflict, the human rights call against impunity can be perceived as an unhelpful barrier to peace negotiations.

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Human rights may also be seen as an obstacle to public health objectives. It may be harder to contain the HIV/AIDS pandemic if the individual rights of patients, such as for privacy, consent and non-discrimination, are paramount. The call for universal free primary education needs to be balanced against other objectives such as national security.

A human rights response recognises that these are difficult choices. Legal norms, standards and principles cannot provide answers to every policy debate. What they contribute to is a different way of analysing such choices, and assessing how governments are acting. They put the basic human dignity of every individual at the heart of such decisions, and demand governmental accountability.

Human rights need to be understood as a 'corrective' on difficult public policy trade-offs. In the case of HIV/AIDS, for example, human rights law both accepts that public health creates legitimate restrictions on individual freedoms, but such restrictions have to be 'legitimate, necessary and proportionate, subjected to public oversight and judicial review'.

Human rights should not be considered simply as costly and anti-growth. They contribute to a different conception of growth, where equity and redistribution matter. There is empirical evidence to show that respect for civil liberties and gender equality has positive developmental outcomes. High levels of inequality may actually undermine growth.

Even in humanitarian crises, states have human rights obligations. Relief agencies, too, need to respect human rights principles, such as non-discrimination. Civilian protection is at the core of both humanitarian action and human rights.

Analysing development through the lens of human rights changes the focus. The principles of universality and non-discrimination demand that the rights of the most marginalised and poorest be respected. But development achievements will also be more sustainable if the state understands its obligations to respect and promote those rights.

Governments and aid agencies avoid explicit references to human rights because they fear it will constrain their freedom of action and prevent them from supporting the poor in countries with disreputable regimes. But human rights need to be seen positively. This agenda will make aid more accountable, and prevent it from being used simply to strengthen state capacity, regardless of how states treat their citizens.

We should not shy away from requiring aid agreements to put human rights standards and principles as the foundation for mutual accountability.

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