

Sustaining Livelihoods in Sub-Saharan Africa

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Theme: Adding value to development through Human Rights-based approaches

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Editor's notes

The theme of this newsletter is human rights-based approaches (HRBA) to development. Issue 7 of the SLSA¹ provided some conceptual background to rights-based approaches (RBA) and noted the links between the principles of RBA and sustainable livelihoods approaches. The main focus of this edition is going beyond principles to highlight practical application of HRBA for development drawing on case studies from South Africa and Sri Lanka.

Penny Urquhart, Khanya-aicdd Associate, compiled this newsletter. The Sri Lanka case study was written by Kathrine Starup of the Danish Refugee Council, and the South African example was provided by Bairbre Ryan and Kathy Rule of the Sisters of Mercy.

What are HRBA?

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."
Universal Declaration of Human Rights, 1948, Article 11.

There is a well developed and continuously evolving body of international law that sets out the rights that every human being possesses. Human rights apply to all individuals and groups on the basis of equality and non-discrimination, and they protect human

¹ Dated 7 December 2001, and available on www.khanya-aicdd.org.

dignity and integrity. As such, there is an immediate connection with people-centred processes of development. Human rights include both civil and political rights, such as the right to vote and the right to life, as well as economic and social rights, including the right to health and the right to an adequate standard of living. While the 1948 Universal Declaration of Human Rights (UDHR) included both kinds of rights, the separation of these areas into two major 1996 Covenants, developed to strengthen the UDHR, has led to confusion about the difference between civil and political rights (CP rights) and economic, social and cultural rights (ESC rights). However, as the UDHR as the primary source of human rights law makes clear, there is no distinction between CP and ESC rights – all human rights are interrelated, interdependent and indivisible. This is fundamentally important for human rights-based approaches (HRBA) to development.

The 1993 Vienna World Conference on Human Rights was a turning point in recognising the interdependent and mutually reinforcing nature of development and the respect for human rights. Since the landmark 2000 UNDP Human Development Report: Human Rights and Human Development, there has been a growing convergence between the worlds of human rights and development, with increasing work around economic, social and cultural rights by the human rights community on the one hand, and the recognition of poverty and discrimination as key human rights issues by the development community on the other. The ongoing development of HRBA is an effort to express and elucidate what is now seen as a necessary coming together of human rights and development.

HRBA are development processes that employ and integrate a number of fundamental human rights principles, to ensure that the means and the results of development seek to ensure the full enjoyment of human rights for all². A range of different approaches exist – for example, the UK Department for International Development (DfID) uses the over-arching principles of participation, inclusion and fulfilling obligations to summarise its commitment to HRBA. The UN Office of the High Commissioner on Human Rights (OHCHR) has set out five internationally recognised and inter-connected core principles on HRBA (see Box 1 below). There is a fundamental link between the UDHR and the Charter establishing the United Nations, which underlines the key global role for the UN as promoter of human rights.

Human rights-based approaches to development are concerned with understanding the **causal factors** for poverty and under-development, identifying development and other rights that are being violated, and who holds these rights – the claim holders; and identifying the agents responsible for ensuring rights are met – the duty holders. Given this emphasis on understanding causality and attributing responsibility, and empowering claim holders to demand accountability from duty holders, it is clear that HRBA are tools that of necessity adopt and promote structural attacks on poverty.

Box 1: Internationally recognised and inter-connected core principles of HRBA

- Express application of the international human rights framework

² International Human Rights Network (2005) *Human Rights-Based Approaches to Development: Overview*. Based on *Our Rights Our Future*, commissioned by Amnesty International and available on www.ihrn.org.

- Empowerment
- Participation
- Non-discrimination and prioritisation of vulnerable groups
- Accountability

The international legal framework is the basis for HRBA, and provides potentially strong mechanisms for accountability. In addition to declarations (soft laws) and treaties or covenants (hard law), various committees have been established to interpret the different legal tools, and to monitor the implementation of treaties (through reporting by states that are signatories)³. The 'General Comments' issued from time to time by committees are further powerful tools against which to draw down accountability, and are an important mechanism for the evolution of the international legal framework. At the regional level, charters and commissions have been established for further refinement of the framework, as discussed for the African region in Box 2.

Box 2: African mechanisms for human rights

The African Charter on Human and Peoples' Rights came into force on 21 October 1986 after its adoption in Nairobi in 1981 by the Assembly of Heads of State and Government of the Organisation of African Unity (OAU). The African Commission on Human and Peoples' Rights has the mandate to interpret the African Charter on Human and Peoples' Rights, and to formulate and lay down principles and rules aimed at solving legal problems relating to human and peoples' rights and fundamental freedoms upon which African Governments may base their legislation. The African Charter includes both CP and ESC rights, and contains a range of articles of relevance for sustainable development, including Article 24, which states "All peoples shall have the right to a general satisfactory environment favourable to their development". Turning to the southern African region, the 1996 Constitution of South Africa is particularly progressive with respect to the inclusion of a range of human rights, including ESC rights, in its Bill of Rights, and with respect to the 'environmental' right (section 24), which is broadly stated as an expression of sustainable development. The Constitutions of Mozambique (1990) and Angola follow a similar route, while other recent Constitutions in sub-Saharan Africa, such as Malawi and Namibia, include socio-economic rights, including an environmental right, in sections setting out 'principles of national policy', rather than in specific Bills of Rights⁴.

HRBA and Sustainable Livelihoods Approaches

"The State Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The State Parties will take appropriate steps to ensure the realisation of the right. Recognising to this

³ For example, the Committee on Economic, Social and Cultural Rights.

⁴ Glazewski, Jan (2000) *Environmental Law in South Africa*. Durban: Butterworths, pages 82-84.

effect the essential importance of international co-operation based on free consent.”
Article 11.1 of the International Covenant on Economic, Social and Cultural Rights
(ICESCR)

Previous discussions have highlighted the considerable overlap between the principles of HRBA and sustainable livelihoods approaches, including the core principles of a holistic and people-centred process, equality and commitment to poverty eradication, an emphasis on participation and an engagement with the links between people and the state (and other institutions)⁵. Key divergences relate to the greater explicitness of HRBA with respect to changing power relations if poverty is to be addressed, and the strong emphasis in HRBA on both claims and duties.

"In particular, as demonstrated by research comparing 'sustainable livelihoods' with 'rights-based approaches', a human rights analysis puts issues such as politics, power relations, state accountability, state-society relations, and genuine participation at the centre of analysis and interventions, challenging some of the most difficult barriers to poverty reduction."⁶

While it is useful to compare principles, a more specific discussion concerns what HRBA can practically add to development approaches in general, including sustainable livelihoods approaches. One area in which HRBA are particularly strong is with respect to the legal grounding for **participation** – long considered essential for SL and to ensure the sustainability of most current development approaches, but in practice still very often inadequate. HRBA highlight the very strong legal basis for participation, and the centrality of this for many other rights. From the UDHR onwards, this right has been clarified as going way beyond the right to participate in elections, to include the right to participate in public affairs, to participate in the design and implementation of development planning⁷, and, in the Convention on the Rights of the Child⁸ (CRC), to include respect for the views of the child and 'safe spaces' in which these can be expressed. The international legal framework makes it clear that participation is a composite and crosscutting right, which includes freedom of expression, the right to education, and to receive and impart information, amongst other rights. While much on the ground depends upon the commitment of development facilitators, both state and non-state, practitioners have noted that duty bearers find HRBA compelling and motivating, and the legal framework is a very strong aspect of this, as illustrated by the Sri Lanka case study. The links between participation, empowerment and accountability in the international legal framework provide a further strong basis for sound development.

The legal basis of the human rights principles of **non-discrimination and gender equality** is a further aspect of HRBA that adds value to development approaches, in at least two fundamental ways. Firstly, where a state has ratified the relevant international

⁵ Adapted from Khanya and Care (2001) *Rights-based and Sustainable Livelihoods Approaches: Divergences and Convergences*. Available on www.khanya-aicdd.org. This document provides suggestions for adapting the SL principles (useful as a checklist) by adding components from the RBA.

⁶ ODI, 2004, page 80.

⁷ As stated in the Convention on the Elimination of Discrimination Against Women, with respect to participation of rural women (article 14).

⁸ The most rapidly and widely ratified human rights Convention.

covenants these principles necessitate meaningful participation of women and marginalised groups. Secondly, the principle of non-discrimination places an obligation on the state to ensure that development processes benefit the poorest of the poor, disabled people. While this is often a stated intention of development programmes, the legal obligation confers additional weight to this objective.

Practical tools to integrate HRBA into project/programme cycle management

HRBA can add value to other development approaches, but if these potentials are to be harnessed, practical tools and guidelines are needed that can be used by community groups and development facilitators. Organisations such as various UN agencies and donors and international NGOs, including DfID, Care, UNICEF and Save the Children have been active in this regard, but recent discussions have indicated the ongoing need for focused and user-friendly tools, specific to different development contexts, to provide operational guidance. These tools ideally need to be developed through learning by doing on the ground – as for instance in the tools developed by the Danish Refugee Council, discussed below⁹. Two kinds of practical tools introduced in this section are basic checklists for integration of human rights principles, and HRBA indicators. Process issues are also fundamental to HRBA, as indeed they are to any good development approach, but the focus on the legal obligations of duty bearers, which is a strength of HRBA, highlights capacity issues that may not always be adequately tackled by development processes.

1 Basic checklists

A simple set of five questions to guide an HRBA analysis of a situation was developed by the UN, and has been adapted by the DRC – see Box 3. Simple sets of questions such as these draw attention to the human rights issues implicit in a specific situation, explore causality, responsibility and effects of the failure to protect human rights, and guide the identification of iterative steps, including capacity building of both rights holders and duty bearers, towards addressing rights violations. Other organisations have developed sets of basic questions to ask at different stages of programme cycle management (PCM) – for example the 2005 UNDP Working Guidelines for Human Rights Reviews. Table 1 provides an illustration of selected questions to be used at different stages of the programme cycle, and how these add value to development processes.

Table 1 Selected questions to integrate HRBA into programme cycle management¹⁰

Programme cycle stage	Question to integrate HRBA	Value-added for development
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⁹ These tools include a set of questions to be asked in a rights-based analysis (Box 3), and assessment tools linked to these.

¹⁰ Adapted from course handout of the International Human Rights Network’s course on HRBA and Programme Cycle Management (see www.ihrnetwork.org), which itself was based on the 2005 UNDP Working Guidelines for Human Rights Reviews (www.undp.org).

Planning	<ul style="list-style-type: none"> • What universal or regional legal standards are relevant? What treaty monitoring body or country-specific recommendations are relevant? • What is the status of incorporation of international standards into the national legal and planning framework? 	<ul style="list-style-type: none"> • Strong reference to international and national legal framework provides legitimacy and confers 'non-negotiable' aspects to programme actions
Analysis	<ul style="list-style-type: none"> • What are the top priorities for HRBA to development in the country / community? • Has a causal tree been developed? What is the environment in the country for addressing this? • Have the accountabilities of key actors been identified? 	<ul style="list-style-type: none"> • Emphasis on causality ensures root causes are identified and improves relevancy of tailored programme actions
Design	<ul style="list-style-type: none"> • Are the proposed strategies and outcomes addressing the root causes of the selected HR challenges, including capacities of claims holders to claim their rights, and of duty bearers to carry out their duties? • Have key stakeholders, including disadvantaged and vulnerable groups, participated meaningfully in the validation of the causality analysis? 	<ul style="list-style-type: none"> • Emphasis on causality – as above • Meaningful participation emphasised as a legal obligation
Implementation	<ul style="list-style-type: none"> • Does meaningful dialogue with all stakeholders continue throughout the programme cycle? 	<ul style="list-style-type: none"> • Meaningful participation (emphasised as a legal obligation) ensures attention to process and not just outcome
M&E	<ul style="list-style-type: none"> • Do the indicators monitor the key HR challenges identified? • Does the project build the capacity of duty bearers to meet obligations and claim holders to claim human rights? 	<ul style="list-style-type: none"> • M&E specifically designed to monitor key HR challenges

2 Using HRBA indicators

HRBA indicators and a system to monitor these in a way that is both participatory and empowering would constitute a further powerful tool to enhance the value of development processes. The UNDP has recently developed a practically oriented guide on indicators for human rights based approaches to development programmes, which reviews the main existing indicators for human rights and discusses their limitations for

human rights based programming. This review points out that it is important to develop and monitor the following broad categories of indicators:

- Indicators for understanding the human rights situation;
- Indicators for assessing the capacities of rights holders and duty bearers;
- Indicators for incorporating human rights principles in the design, implementation and monitoring of programmes.

The UNDP notes that optimal design of indicators for HRBA depends on the most robust initial assessment of the human rights situation for the programme as is possible. The international legal framework for human rights should provide the basis for such an assessment. Corresponding HRBA indicators would relate to evidence of reference to international and national legal frameworks in designing, implementing and monitoring the programme or project.

3 Process and capacity issues

Given the emphasis of HRBA on empowering claim holders to claim their rights, and promoting accountability of duty bearers, it is clear that fundamental components of HRBA must include awareness raising, training and advocacy and capacity building of duty holders. These aspects should also consider internal organisational issues. A number of process and capacity issues arising from the adoption of HRBA are illustrated practically in the following two case studies.

Case study: Sisters of Mercy Women's Shelter and HRBA

This case study explores how the five core HRBA principles are integrated into a women's shelter in Pretoria, supported by the Sisters of Mercy¹¹.

The centre started as a home for South African women affected by domestic violence, providing a shelter for them and their children, and then progressed to providing accommodation and services to women who have been trafficked from all over Africa and Asia including Zambia, Zimbabwe, Ethiopia, Kenya, China and Thailand. Most recently the shelter has progressed into a drop-in centre, which provides information to women in relation to their legal entitlements and rights, as well as a holding a HIV/AIDS support group monthly meeting. This project was already in motion before a conscious decision was taken to adopt a HRBA to the project. Due to the nature of the project and the consultative approach, only fractional adjustments were necessary to do this.

- **International Legal Framework:** The first step to applying a HRBA approach was to examine what applicable international agreements had been ratified into South African law, against which the state could be held accountable for the protection of

¹¹ The Sisters of Mercy have been working in South Africa since 1898. The Congregation was founded in Ireland by Catherine McAuley and has grown into an international congregation with more than 11,000 sisters working with the poorest of the poor in every continent around the world. The Sisters in South Africa and their partner organisations work in 4 provinces under the following sectors: Advocacy, HIV/AIDS, Health, Capacity building, Vocational training, Gender and education. There is an overall programmatic focus on economic justice integrated into all aspects of their work.

the women and children using the shelter¹². National Constitutional protections such as equality under section 9, as well as legislation such as the 1998 Domestic Violence Act, are relevant and issues arising from these are passed on to the organisation's advocacy personnel for follow-up, as well as to the legal representatives who give advice to the women in the shelter. International feedback and advocacy is done through the Mercy International Justice Network. Issues such as violence against women and trafficking of women are fed through the Kenya-based Africa desk to the United Nations, where the Sisters of Mercy have ECOSOC status and can make representations.

- **Participation:** The most probing question concerning participation related to if the women and children who access the service agreed with and owned the aims and objectives of the project. The aims and objectives of the project have been redefined through the continuous movement of women through the shelter, and, more importantly, the services have grown due to the participatory approach, into housing trafficked women and providing legal information and awareness of their rights.
- **Empowerment:** This occurs on many levels and has grown out of the participatory approach. Empowerment occurs at a spiritual level though building self-esteem and counselling. Women requested skills training, especially victims of domestic violence who felt they had to start their lives over again, some with very few skills to access an income to feed themselves and their children. As a result of the skills training, the drop-in centre emerged, as women who had left the shelter began to stop in for support and queries. The legal advice and access to information on rights and entitlements emerged out of this form of empowerment.
- **Prioritise vulnerable groups and address discrimination:** The focus of the work of the Sisters of Mercy has always been on the most vulnerable groups, with a special focus on women and children. Although the shelter focuses on women's rights, this cannot be separated from the rights of their accompanying children. The children are given education, art therapy and counselling to allow them to heal from the suffering that they have encountered. Trafficked women are another priority as there is often an element of sexual abuse involved in their situation with the additional vulnerability of being in an unfamiliar country. Rehabilitation is offered while the women are waiting to be repatriated and the stability offered by the shelter allows some certainty in this difficult period.
- **Accountability:** There is again a participatory approach to evaluation of the centre and the services offered to the women and children who seek shelter there. Each woman is offered one-on-one counselling with a social worker, with a session to establish the needs of each woman and her opinion on the running of the shelter. Staff are briefed on a human rights based approach to their work. Government accountability is being pushed through the Mercy International Justice network. All

¹² For example, South Africa has ratified the International Covenant on Civil and Political Rights, the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, and the Convention on the Rights of the Child (CRC). It is also useful to see which international treaties and laws have not been ratified, as this demonstrates the priorities of the government.

project reports are feed back to the Country Project Liaison Officer in South Africa, and to the Mission and Development Office in Dublin¹³.

This case study highlights the similarities between HRBA and sound development processes, including a strong participatory approach and prioritisation of disadvantaged and vulnerable groups to promote equality. Key value-added of the HRBA in this case appear to have been in the emphasis on the international legal framework and the opportunities for international follow-up in this regard, as well as the strengthening of existing participatory and empowerment objectives, through iterative processes. This case study also indicates in a practical way the interrelated nature of the fundamental principles, which are themselves rights. For example, the deepening of empowerment experienced in the project grew out of the strong emphasis on participation. The principle of accountability was also realised through an emphasis on participation – in this case, through participatory evaluation of the services offered by the centre.

Value Added and Challenges of a Rights-Based Approach – Experiences from the Danish Refugee Council¹⁴

1 Background

The Danish Refugee Council (DRC) is a private humanitarian agency consisting of 33 Danish member organisations. The international mandate of DRC is the protection and promotion of durable solutions for refugees and displacement problems on the basis of humanitarian principles and human rights. The DRC has committed itself to base its international work¹⁵ on a long-term, regional and rights-based approach in order to constitute a coherent and effective response to displacement problems around the world, and has for the past few years been applying a rights-based approach to the analysis, design and implementation of its international programmes.

2 A Rights-Based Approach in DRC

A number of existing analytical and programming tools and approaches were further elaborated and some new tools introduced for application of a rights-based approach in the DRC's international programmes. The following box indicates the questions to be asked when analysing and designing an intervention.

Box 3 Questions to be asked in a RBA Analysis

- What and who caused the act of violence that created the need?
- Who is responsible?
- Who is affected?
- Why do specific actors with particular responsibilities for preventing, stopping, remedying and redressing acts of violations, fail to do so?

¹³ For more information of the work of the Sisters of Mercy in South Africa contact: province@netactive.co.za or contact the Mission and Development Office in Dublin, Ireland bairbreryan@csm.ie

¹⁴ By Kathrine Starup, Danish Refugee Council, kathrine.starup@drc.dk, www.drc.dk

¹⁵ DRC has programmes in some 22 countries around the world, in Africa, Asia, Middle East, North and South Caucasus and the Balkan Region.

- How can humanitarian agencies, including DRC, fill in for the actors that fail to take up their responsibilities towards those affected by violations – and do so without causing further harm?
- How can humanitarian actors, including DRC in the long run diminish the chances of violations being repeated and instead help promote the respect for fundamental rights?

These questions guide the use of assessment tools that help facilitate analysis of the situation and assist with designing an efficient and effective RBA intervention.

The five assessment tools are:

- Violations, Threats and Perpetrators Assessment Tool [*What violations of rights are taking place and by whom?*]
- Impact and Effect on Right-holders Assessment Tool [*What are the effects of the violations on the right-holders?*]
- Legal Standards and Responsibility (Duty-Bearers) Assessment Tool [*Who is responsible and what legal standards apply?*]
- Protective Capability (of Right-holders) and Compliance Aptitude (of Duty-Bearers) Assessment Tool [*Duty-bearers' willingness/ capacity to respect, protect and fulfill & rights-holders' vulnerabilities/capacities*]
- Inter-Agency Complementarity Assessment Tool. [*What are others doing?*]¹⁶

3 The DRC Sri Lanka Case Study

DRC's IDP/Refugee Integrated Livelihood Rehabilitation and Protection Programme in Northeast Sri Lanka is an example of DRC applying a rights-based approach to programme analysis, design and implementation. Active in Sri Lanka since 1998, the overall programme goal has been to promote durable solutions for internally displaced people and refugees in the wake of the war.¹⁷

The protection, capacity development of state and non-state duty-bearing authorities and advocacy elements of DRC's programme in Northeast Sri Lanka very explicitly illustrate how DRC in its programme works with the five HRBA Core Principles¹⁸. DRC's programme in Sri Lanka pursues a dual strategy of working with the empowerment of the IDP/refugee returnee right-holders on the one hand and the accountability of state and non-state (LTTE¹⁹) duty-bearers on the other. The protection issues currently faced by communities in Northeast Sri Lanka include documentation problems, land/property related problems, child-related problems (including recruitment, underage labour, violence and non-attendance at school); violence against women; intimidation; freedom of movement; alcohol and drug abuse, problems accessing health and education of services and officials who neglect their duty.

¹⁶ Source: DRC

¹⁷ DRC's multi-year strategy for achieving this combines two strategic objectives to meet short- and medium-term livelihood and protection needs of returnees while carrying out a sustained campaign of advocacy and capacity development for state and non-state duty-bearing authorities to effectively meet their obligations to protect all war-affected civilians.

¹⁸ refer to Box 1

¹⁹ Liberation Tigers for Tamil Eelam (LTTE)

Using the framework of International Human Rights law and the Guiding Principles on Internal Displacement, the DRC, through awareness raising, training, information campaigns and support for community-led advocacy activities, seeks to empower and provide support to IDPs and returnees to understand their rights, build confidence and to develop and implement strategies towards realising those rights. Applying a rights-based approach also entails a focus on the responsibilities and accountability of the duty-bearers. Consequently, as a parallel, corollary output, the programme promotes the development of an environment, where the rights of IDPs and returnees are respected, by developing the capacities of state and non-state 'duty bearers' through training, dialogue and advocacy.

The most remarkable difference for the DRC of applying a rights-based approach is not the HRBA core principles of empowerment, participation and non-discrimination and vulnerable groups - these are concerns and approaches that have for a long time been part and parcel of the DRC's programmes. The biggest differences lie in the way the organisation works with the responsibility and accountability of the duty-bearers, the more explicit reference to and use of international legal instruments, and the identification and analysis of the rights violations taking place.

It follows from the rights-based approach, that as a self-mandated key stakeholder, DRC's task in its interventions is to focus on the challenges of making states and individuals (the duty-bearers) take up their responsibilities to protect people in war, conflict or displacement, and filling-in for them as much as possible when they do not. In a Sri Lankan context, this implies that the DRC does not stop with the empowerment and support to displaced and return communities to seek appropriate redress to their protection-related problems. The DRC proceeds to target the responsive capacity and ability of the duty-bearers to respect, protect and fulfil their obligations by developing the capacity of the state and non-state authorities as well as that of other key stakeholders, e.g. national NGOs. Furthermore, the DRC facilitates the link between the governing structures (state and non-state), the communities and other organisations by organising round table discussions; workshops etc. to discuss some of the more systemic rights issues that emerge.

4 Value-added and challenges

The DRC continues to gather lessons learned and evaluate the benefits and challenges of working with a rights-based approach in its programmes.

Added Value of the RBA:

- Adds legitimacy and authority by linking problems and solutions to (international) legal standards
- Anchors programme in wider context by referring to universal legal standards
- Strengthened and more authoritative arguments for advocacy purposes (and claim for resources)
- Highlights new/greater variety of modes of action in programme interventions
- Brings out advocacy and coordination activities carried out by the DRC, which had been less visible
- Adds element of accountability – not only of duty-bearers but also of our own organisation

- Encourages more comprehensive stakeholder analysis with accountability & responsibilities/obligations in focus
- Facilitates stronger focus on sustainability
- Clearly defines normative (universally agreed upon) principles and standards to measure progress against

Challenges of the RBA:

- The sensitive nature of human rights and rights violations
- RBA focuses on rights and accountability/responsibility of state/authorities, which implies political change and a shift in power structure, thereby challenging states
- Working with absent or very weak duty-bearing states/authorities
- Ability and capacity to operationalise the international and in particular the national legal framework as well as capacity to make the link between international and national legal frameworks.

Conclusion

As the Danish Refugee Council (DRC) case study indicates, the most fundamental difference in applying a rights-based approach is not the HRBA core principles of empowerment, participation and non-discrimination and vulnerable groups, which have long been integral to the DRC's programmes, and indeed are fundamental to many development approaches. The biggest differences, according to the DRC, have been the way it works with the responsibility and accountability of the duty-bearers, the more explicit reference to and use of international legal instruments, and the identification and analysis of the rights violations taking place. These three key areas: accountability, greater legitimacy for development objectives through reference to the international legal framework²⁰, and greater attention to causality through HR analysis, represent important examples of the value-added of HRBA for development processes. As for other approaches to development, context is a determinant of how to put human rights approaches into practice – in some countries, political sensitivities surrounding human rights projects require different strategies. For example, where there has been a reluctance on the part of national actors to talk of 'governance' and 'human rights' issues, there has been no barrier to projects dealing with 'women's and children's rights'. Apart from political sensitivities, a three-year collaborative research project carried out in Mozambique, Zimbabwe and South Africa concluded that a broader definition on rights, beyond conventional Western-liberal, individualist approach and based on people's own conceptions, is important as it can incorporate cultural, religious and ethnic dimensions, as well as material needs.²¹

A final important issue to consider relates to the changes required in a development organisation, particularly with respect to accountability, once a rights-based approach is adopted. The Sisters of Mercy Women's Shelter case study highlights the links between accountability and participation of clients who are claim holders – for example in

²⁰ This accords with a finding of an organisational review conducted for DfID in 2004, which identified the main value of a human rights-based approach as "providing a normative framework, which sets out clear international standards and focuses attention on what is important for poor people and communities, looking at issues such as basic dignity or minimum standards" (ODI, 2004).

²¹ The report detailing this study, *Rights Talk and Rights Practice: Challenges for Southern Africa*, is discussed in ODI (2004) and is available on www.ids.ac.uk/env/slsa

agreeing aims and objectives of the project, having an impact on evolution of these, and making a meaningful input concerning the way in which the shelter is run. A general comment that can be made is once an organisation has adopted HRBA, there is a powerful argument for ensuring that staff members have the appropriate capacity for implementation, in the light of the new approach to accountability. This raises the need for a thorough audit of capacity, and developing a strategy to enhance this where needed – or to be quite clear on those areas which the organisation cannot tackle, and to ensure that other agents step in to fill this gap.

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Useful resources

African Commission on Human and Peoples' Rights www.achpr.org
Website of the Commission that is charged with ensuring the promotion and protection of human and peoples' rights throughout the African continent. Includes processes for state reporting on human rights, and Annual Activity Reports.

HURIST and HURIDOCS www.huridocs.org
Joint UNDP-OHCHR programme to support national governments in their development planning by developing methodologies and identifying best practices in HRBA. See web resources on HURIDOCS, a training and capacity building project to develop and promote the use of tools and resources for monitoring violations of economic, social and cultural rights.

South African Human Rights Commission www.sahrc.org.za
Regularly updated site with information on current human rights issues, a section on social and economic rights, recent and archived publications, and a useful set of national and international links.

United Nations Development Programme www.undp.org/governance/sl-justice.htm
UNDP coordinates United Nations agencies, thus enabling it to introduce rights-based approaches throughout United Nations country teams. Website contains useful guidelines and toolkits, publications and practice notes.

Upcoming SL-related activities/programmes

Strengthening Managing for Impact (SMIP) is a regional programme, funded by a grant from the International Fund for Agricultural Development (IFAD), that is strengthening the capacity of stakeholders of pro-poor interventions to effectively manage for impact. Working alongside a range of service providers, SMIP will use an action learning approach to generate knowledge and lessons and enhance practical skills and organisational capacity. A **ten day training course** will be held 19-26 March in Kenya for service providers interested in learning more about managing for impact. Please contact Mine Pabari, SMIP's Regional Programme Facilitator for further information at m.pabari@gmail.com

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18	Feb 2006	Local institutions and participatory development
17	Nov 2005	Participatory forest management (PFM)
16	Sept 2005	FAO's work on People-centred development with a livelihoods perspective (PCD-L)
15	July 2005	Shelter and livelihoods
14	Sept 2004	Community-based management
13	June 2004	Learnings about the sustainable livelihoods approach
12	Feb 2004	Sustainable livelihoods and small-scale mining
11	Oct 2003	Sustainable livelihoods and gender
10	June 2003	Community-based natural resources management
9	April 2003	Community-based workers as a model for pro-poor service delivery
8	Feb 2003	Institutional support for sustainable livelihoods
7	Sept 2002	Local economic development and sustainable livelihoods
6	June 2002	HIV/AIDS and sustainable livelihoods
5	March 2002	Social capital and sustainable livelihoods
4	Dec 2001	Rights-based approach to development
3	Sept 2001	Corporate Citizenship
2	July 2001	Community-based Planning
1	May 2001	The sustainable livelihoods approach

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