Beyond Charity: The Rights-Based Approach in Theory and Practice

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Beyond Charity:
The Rights-Based Approach
in Theory and Practice

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Chapter 1: Introduction

You have no doubt seen the commercials. The ones with the starving children who live in what might be nicely termed as “shacks” and drink murky water. The ones that stand in stark contrast to the upbeat beer and car advertisements that they follow. The ones that appeal to you on a visceral level and say that *for only 50 cents a day you too can make a difference in a child’s life*. The problem is that these same commercials have been running for years and so people start to wonder what good is being done if the need is still so great, so their effectiveness wears off. Not only that, but these ads have the same formula as ads like the American Society for the Prevention of Cruelty to Animals (ASPCA) commercials that feature Sarah McLachlan and dozens of helpless dogs and cats. On the surface, the similarities between these two sets of ads seem innocuous. Both organizations are trying to tap into viewers’ sympathetic emotions to further their cause and raise funds, but when this strategy is applied to issues facing humans, it promotes a negative understanding of the way these people view their situation.

Helpless. These ads make people look as helpless as homeless animals. Perhaps that is not what their makers intended, but after years spent looping on television’s advertising circuit, people begin to have the same reaction to both: Would someone please change the channel?

The thing is, unlike alley cats and lost dogs, people are not helpless. They may be thrown into situations which they are not equipped to handle without help, but this does not make them helpless—this makes them in need of help. People are capable of
changing their own lives. They don’t need pity. They need a ride to the nearest gas station, maybe a few dollars for gas, but they can drive the car themselves.

This is not to discount the intentions or even some of the results of organizations that take the route of appealing to emotion for funding, but after years of development work being predominantly charity driven, things are starting to change. They say, “Give a man a fish and you feed him for a day. Teach a man to fish and you feed him for a lifetime.” This old adage may be a useful metric for development work. It is not enough to ensure that someone has food for a day; it is necessary to ensure that they have a way to keep getting food without waiting for rations to be handed out.

There are times when short-sighted, charity-driven approaches are useful. During famines and natural disasters, damage control measures are utilized to lessen the costs of such impactful events. However, long term problems cannot be solved by charity alone, and can often be exacerbated by the influx of goods. The PBS film *T-Shirt Travels* documents one such instance. The documentary traces clothing donations from the United States to places like the Salvation Army and show how most of these donations never reach American stores but are sold in bulk abroad. The effect has been devastating. In Zambia, no textile manufacturer remained in business due to the availability of cheap second-hand clothing. Dambisa Moyo also mentions a similar problem with the delivery of anti-malarial bed nets from foreign countries putting local suppliers out of business. The short-term negative consequences may only be the loss of jobs in these sectors, but the long-term consequence is the creation of a dependency cycle, an incessant need for renewed charity in the future, an enforced state of helplessness.

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3 Dambisa Moyo, *Dead Aid: Why Aid is not Working and How there is a Better Way for Africa* (New York: Farrar, Straus, and Giroux, 2009)
In light of these realizations, NGOs, donor governments, and, to some extent, international monetary institutions have begun to shift how they do business with the developing world. The new buzzword hovering around such practices is “sustainability.” How does development become a more sustainable venture? One of the now-common answers to this question is to localize initiatives by returning control back into the hands of those most affected by the problem that is being addressed. In their collection of essays on environmental development, *Reclaiming Nature: Environmental Justice and Ecological Restoration*, James K. Boyce et. al. continually stress the importance of community-based models in addressing environmental degradation. Their argument rests on the idea that local knowledge and support can often make or break a project and should therefore be a central aspect of any undertaking. The community-based model has proliferated into other sectors of development, but has only recently begun to find a universal language to serve as a foundation for these kinds of efforts, the words and ideas that define “human rights.”

The rights-based approach to development is a codification of these methods, and, while its strategies may have been around for many years, the classification is new. The approach is simple on the surface—it calls for a grounding of development work in human rights language with mechanisms that aim to strengthen these rights. But implementing this idea has proven to be a greater challenge.

This thesis chronicles the history of development, focusing especially on its early years and implementation in the United States, and then describes the formation of a rights-based approach to development work. The next section looks at how some major

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human rights organizations operate and how development organizations may prove to be helpful allies. The final part of the paper analyzes two well-known organizations that claim to use a rights-based approach to development—Partners in Health and Oxfam America—and what this means in practice.

After analyzing how development organizations have undertaken, or have failed to undertake a rights-based approach to development, recommendations are made for future use of the practice and reservations are expressed about its usefulness as a comprehensive approach. This thesis finds that there needs to be more cooperation between human rights and development organizations, and that this cooperation will further the goals of both sets of organizations. In addition, if development work is truly done to empower individuals and communities to be able to provide for themselves, then the use of rights-based language, while important, is secondary to having a practice that uses rights-based mechanisms. Actual implementation of a rights-based approach to development is still relatively new and therefore can not be effectively evaluated at this point. However, looking at how a RBA has been undertaken thus far reveals some places in need of improvement and will hopefully help steer further implementation in a better direction.

**Methodology**

After the a literature review on development practice and defining a rights-based approach, the paper looks at specific human rights organizations and how their cause can be furthered through a stronger partnership with development organizations. The first two organizations I chose, Amnesty International (AI) and Human Rights Watch (HRW), are used as examples due to the fact that they are the largest and most widely
acknowledged human rights organizations. In addition to these two, Physicians for Human Rights is included in part because it shows how a smaller organization employs similar strategies as the larger two, but also because it is focuses on a specific type of human rights violation, those having to due with health. This is important as one of the development organizations referenced in this paper is also focused on health: Partners in Health (while Oxfam America, like AI and HRW, has a much broader range of issues).

The development organizations this thesis looks at – Oxfam America (OA) and Partners in Health (PIH) – are chosen for several reasons. The first is that both are widely known and often at the top of lists ranking non-profits, and both have also been around for long enough that they have codified their approaches. They are also chosen for the contrast they offer one another. OA and PIH have very different strategies to the work they do on the grounds, though both profess to use a rights-based approach to development. As mentioned earlier they also provide a nice contrast with their focus areas as OA tackles a wide swath of issues while PIH focuses primarily on health and a few related issues.

The information on these organizations comes from a wide variety of sources. These include publications and annual reports by the organizations themselves and papers written by key actors within these organizations, information complied by third-party groups that monitor non-profits like Charity Navigator, articles written by academics on the subjects of human rights and development, and personal interviews done with employees at Oxfam America and Partners in Health. In addition, some information about the way these organizations’ websites have changed over time is gathered from the digital archive website waybackmachine.org. This website is still in its
beta testing phase, but archives webpages frequently so that a comparison can be made between of older and newer versions of the same website.
Development’s Definitional Problems

The practice of development has been through many iterations in the past sixty years. Recently some international development organizations have moved away from the income-based approaches of the mid-1900s to one that attempts to incorporate human rights into its framework.\(^5\) The most direct amalgamation of these two fields has been the rights-based approach to development. This approach has been contested as some see it as just another phase in development thinking. However, if executed properly, the rights-based approach has the potential to further both human rights and development goals, but also addresses the definitional problems surrounding the idea of “development” more generally.\(^6\)

The lexicon of development studies has been riddled with inaccurate or inconsistent definitions that have confused the public and even development practitioners with words that Andrea Cornwall claims in the collections of essays *Deconstructing Development Discourse*, are “woolly and imprecise” and with a “multitude of meanings and nuances.”\(^7\) While it would be hard to imagine “development” as a negative concept, in practice it has hardly lived up to the sort of positive trend the word implies. Its most ardent critics, including Gilbert Rist, call it a “toxic” word that, if it is defined to reflect actual practice should mean;

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\(^7\) Cornwall, *Deconstructing Development* at viii.
the general transformation and destruction of the natural environment and of social relations in order to increase the production of commodities (goods and services) geared, by means of market exchange, to effective demand.8

This definitional problem has limited the improvement of development practice because questioning if “development” should be pursued comes off as cold or even inhumane since the term sounds so righteous.9 Because of this inherent problem of terminology, commentary on development practice tended to avoid sounding too critical in the early days of formalized development enterprise, which meant that development practices were slow to change and often ineffective. Even if one were to criticize a certain approach to development, the idea of development as a necessity has gone unquestioned.10 Perhaps due to this failure to recognize when development projects were unsuccessful or even harmful, many observers and practitioners alike have lost respect for anything that falls under the “development” header.11 For instance, one of the most contested practices within the overarching structure of development has been the distribution of foreign aid money, which many argue has achieved far less, or has even been detrimental to improving people’s lives in recipient countries.12 Perhaps if developmental practices had been critiqued early on, the word would still have a meaning independent of its user and one that is not so tarnished in the intellectual

12 Dambisa Moyo, Dead Aid; William Easterly, The White Man’s Burden: Why the West’s Efforts to Aid the Rest Have Done So Much Ill and So Little Good. (New York: Penguin Press, 2006).
discourse surrounding the subject. However, this is not the case. “Development” is in desperate need for a reformulation.

The definition of development is far from the field’s only flaw, but this deficiency shows how the debate surrounding the subject exists at both a practicable and fundamental level. While some, like Gilbert Rist, want to do away with the word entirely, this suggestion is both unrealistic and pessimistic. Instead, it needs to be understood that development does not have a fixed definition and therefore should not be treated as something that cannot be criticized or questioned. To ensure that “development” does not continue to sound like one thing while meaning another, the process of “development” must not stand in opposition to its ultimate goal. The rights-based approach to development fulfills this need, as it departs from previous enterprises that may have seemed arbitrary and gives practitioners not only an end objective, but also a foundation and roadmap for reaching the end.13 Additionally, at the center of the rights-based approach is that it learns and builds upon previous practice. As André Frankovits, Executive Director of the Human Rights Council of Australia, Inc., argues, one of the fundamental differences between the rights-based approach and previous attempts in the field is that it “captures the essence of the active nature of human rights.”14 Integrating the more ‘active’ discipline of human rights into development could prove to be a cure for the assumed static nature of the field. The rights-based approach hopes to not only ensure that development in practice is effective, but that its performance

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directly reflects its stated objective. It aims to rebuild ‘development’ entirely, from definition to practice.\textsuperscript{15}

However, the rights-based approach, though innovative, did not emerge from nowhere. Rather than creating an entirely new way for international development, it built upon previous efforts and formalized the creation of a practice that fully combines the fields of human rights and development. But this approach is in line with the general progression of earlier development enterprise.\textsuperscript{16} After years of practices that focused on a more top-down, state-centric approach, international organizations ranging from the United Nations to NGOs started focusing on more community-level oriented practices in the 1990s.\textsuperscript{17} The hope was that by building civil society, changes would be more context-specific and longer lasting.\textsuperscript{18}

The rights-based approach takes this shift one step further. While it does focus on people on the ground it also attempts to shift development practice from start to finish. As Peter Uvin asserts, it begins with an entirely new assessment of the problem and purpose of development practice to focus on “claims and thus duties and mechanisms that can promote respect and adjudicate the violation of rights.”\textsuperscript{19} Some say that this

\textsuperscript{15} Uvin, \textit{On High Moral Ground}, 3.
\textsuperscript{17} This point it certainly contentious. Some, like the UNDP and World Bank, contend that human rights have been incorporated in earlier development practice, at least informally, since its inception. Others, like Peter Uvin, disagree and argue that the development field has “operated in perfect isolation, if not ignorance, of the human rights community”\textsuperscript{16} I am just trying to point out that the development enterprise has been moving in a more human-centric direction, which arguably should end with a formalized inclusion of human rights, not that human rights have always been a part of the conversation. Uvin, \textit{The Nexus of Human Rights and Development} 2.
\textsuperscript{19} Sumner and Tiwari, \textit{Buzzwords and Fuzzwords}, 48-49.
new approach to development may be able to clean up the tarnished record of previous development enterprise, while others, primed by past failures of the field, see it as just another fad in development discourse.\textsuperscript{20}

\textsuperscript{20} Nelson and Dorsey, \textit{The Nexus of Human Rights and Development}, 2.
The Rights-Based Approach to Development: Definitions and Criticisms

In the past fifty years development enterprise has been moving in a direction that had increasingly resembled one that addresses human needs on the individual level. The most prominent formulation of this idea has been the rights-based approach to development. Born out of works like Amartya Sen’s *Development as Freedom*, the rights-based approach moves away from a top-down take on development to one that bases itself on the building blocks of individual human rights.21 Though some, like University of Ghana’s Dzodzi Tsikata, argue that this approach may be just another fad in the field, advocates for the rights-based approach see it as a way to reformulate both the goals and tools used in the enterprise.22

The modern-day development enterprise came into being in the post-World War II era, at the same time as the formulation of the major human rights touchstone *The Universal Declaration of Human Rights*. Though Jack Donnelly claims there exists a general consensus in all societies that all individuals are entitled to certain fundamental freedoms, the dispute over how this translates across cultural lines seems never-ending.23 This question of universality has engendered many responses. Though, as Donnelly argues, most agree that the pursuit of ensuring basic human rights standards is a noble endeavor, many hesitate at the practicality and applicability of such a

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contested set of ideas.24 The struggle for universal human rights observance faces many obstacles. One of the most prominent issues is how to make them less theoretical and more practical.

In recent years the two overarching pursuits of development and human rights have begun to intertwine in ways that may offer at least a partial solution to some of the problems facing the sectors when they operate independently. Brigitte Hamm articulates well what these two sectors gain from working together:

Development gains, because, based on human rights treaties, donor and recipient countries and international organizations have the legal obligation to a development policy based on human rights. This makes states accountable for their development policy, increases the chance of its continuity, and makes it more independent from short-term interests than is now the case. Human rights gain because such a development approach strengthens human rights by working for their implementation and realization, by using them as the benchmark for development policy, and by orienting the policy dialogue towards human rights. In addition, the use of human rights as the common language in development increases the universal acceptance of human rights25

The Vienna Declaration and Programme of Action, as adopted by the World Conference on Human Rights on June 25, 1993, acknowledged the importance of finding the connection between these two similar, yet possibly contentious, goals by stating that, “development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing.” In the years since the Vienna Declaration, there has been an influx of study on the “human rights-based approached to development.”26 However, literature on how successful this integration has been in

24 Ibid.
26 United Nations, Vienna Declaration and Programme of Actions World Conference on Human Rights (June14-24, 1993)
groups with the expressed purpose of furthering human rights and development is lacking.

The conventional wisdom of the sixties and early seventies held that, except in the very long run, rapid development and human rights are competing concerns . . . This understanding of human rights in relation to development was born out of the idea that allocating resources to human right initiatives, instead of maximizing investment in the economic sector, would ultimately be counterproductive as many believed empowering the economy was a precursor for sustainable human rights. This trickle-down approach has been recently contested. The tradeoffs made under this conventional model have been “tragically misguided” Instead these two fields – development and human rights – need to be seen as “complementary and mutually reinforcing in all time frames.”

According to Ellen Dorsey, this shift is important because it changes, “the tenor of the discourse of development from charity to entitlement.” In her article, “A Human Rights Approach to Development,” Hamm talks about the importance of including non-state actors in this new approach. Developmental organizations on the ground have an important position in carrying out the aims of human rights treaties, especially in the absence of good governance. While human rights have always, to some extent, been a part of the development framework, an explicitly human rights-based approach “accepts the legal obligation of development cooperation based on human rights treaties.”

However, this change is not a simple one, as it may require an international NGO to “systematically transform [an NGO’s] organizational culture, governance, staff attitudes, incentives, skills and programming practices” on both analytical and operational levels.

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27 Ibid 258
28 Hamm, Rights Based Approach to Development, 1012
Of course, there is not a unanimous push for integrating human rights into development, and even those who think that this is a step in the right direction do provide some qualifications. One of the most comprehensive texts on the integration of the two fields is Peter Uvin’s *Human Rights and Development*. While he sees a rights-based approach (RBA) to development as generally a positive alteration, he also acknowledges the possibilities of this being seen as “interventionism” and providing too much power to outside nations, particularly in the developed world.\(^{30}\) However, in general Uvin’s systematic look at the progression of international development practice leads to the conclusion that including human rights in the narrative is a positive step forward. While what a rights-based approach entails may seem somewhat self-evident, how organizations interpret this practice is varied enough to merit definition.

**Defining the Rights-Based Approach**

In defining a “rights-based approach” it is important to acknowledge a few central facts about the intellectual history of human rights prior to discussing what combining this field and development means. Two primary aspects of the human rights discourse that directly affect defining a RBA is the fact that, in the scope of international affairs, a formalized idea of human rights is a recent phenomena and discussion of what human rights are is often plagued with theoretical and practical discussions of what constitutes a human right. While this paper does not intend to expand upon this point as it is a major topic on its own, mentioning this dilemma is important, because while understandings of a RBA are similar, there are some important differences from one definition to another’s. However, there are certain elements that appear in nearly every definition.

version. Figure 1.1 includes several competing definitions of a rights-based approach from academics, NGOs, think tanks, and the United Nations.

The point of including these several definitions is to show that while differences exist, there is far more that binds together organizations’ understandings of RBA than divides. This is a big step forward for both fields as they tend to be subject to more highly inconsistent definitions. As a point of clarification, a rights-based approach to development includes the following:

1. A reformation of the mission of development work to see human rights as both a tool and ultimate goal of the enterprise. Which involves a shift away from the previous charity-based impetus for development work to one steeped in the legal and moralistic tradition of human rights

2. A formalized relationship between duty bearers and rights-holders, and what this means in terms of responsibilities for both these groups

3. A focus on learning and evaluation of programs, which also involves being accountable to all stakeholders and also the proves itself.

4. A focus on mobilizing rights-holders to advocate for themselves

5. A focus on all rights, not just civil and political, but with room for cultural interpretation

Taken together, the rights-based approach changes the way development practitioners understand their work, while at the same time providing the field of human rights with a field more capable of implementation as development organizations often have access to more resources and civil society connections that can help to effectively ensure human right are respected. Though he speaks with regards to economic development specifically, Harvard Law professor Henry J. Steiner’s claim that
human rights and development practitioners “together may have a powerful synergy” applies to the field as a whole.\textsuperscript{31}

Research on the effectiveness of implementing a rights-based in contrast to conventional approaches is still sparse. However, the UK Interagency Group on Rights Based Approaches did a study of RBA programs and non-Programs in Bangladesh, Malawi, and Peru and found that

Both non-RBAs and RBAs lead to immediate impacts which benefit stakeholders. However, findings suggest that RBA projects are having considerably more success than non-RBA projects in attaining impacts that will lead to sustained positive change. RBAs tackle the underlying causes of poverty and disadvantage, and work in partnership with a wide range of stakeholders to address these causes. They link citizens and state in new ways and create systems and mechanisms that ensure that all actors can be part of accountable development processes.\textsuperscript{32}

Though the authors of the group’s report acknowledge the limitations of the study – on both scope and time – they stand by there claim that RBA “are in some way, shifting power and opening new spaces for dialogue between people who have power and those who are usually considered powerless.”\textsuperscript{33} More studies, preferably ones that implement randomized evaluations, need to occur in order to prove with more confidence that these approaches have a greater impact than previous methods.


\textsuperscript{32} Sheena Crawford, “The Impact of Rights-Based Approaches to Development” (UK Interagency Group on Rights Based Approaches: 2007):8-9.

\textsuperscript{33} \textit{Ibid}, at 16. The report includes detailed breakdowns of the results of their study and can be downloaded at: http://resourcecentre.savethechildren.se/content/library/documents/impact-rights-based-approaches-development
<table>
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<tr>
<th><strong>Figure 1.1</strong></th>
<th><strong>Definitions of a RBA to Development</strong></th>
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<tr>
<td><strong>Daniel P. L. Chong (Rollins College)</strong></td>
<td>An umbrella term that encapsulates many of the recent trends within the international development industry, such as becoming more politically engaged, analyzing the root causes of poverty, working toward structural solutions, being accountable to stakeholders, and promoting local participation and empowerment.</td>
</tr>
<tr>
<td><strong>Paul J. Nelson (University of Pittsburgh) &amp; Ellen Dorsey (Chatham College)</strong></td>
<td>A human rights-based approach requires policymakers to make the fulfillment of every individual’s rights the measure and driving force in development . . . it has implications not only for the practice of influential aid providers . . . but for the very framework of international politics as they govern finance, natural resources, trade, information disclosure, certain intellectual property rights, and the interaction of market institutions with the public interest.</td>
</tr>
<tr>
<td><strong>Overseas Development Institute</strong></td>
<td>A rights-based approach to development sets the achievement of human rights as an objective of development. It uses thinking about human rights as the scaffolding of development policy. It invokes the international apparatus of human rights accountability in support of development action. In all of these, it is concerned not just with civil and political rights but also with economic, social, and cultural rights.</td>
</tr>
<tr>
<td><strong>United Nations</strong></td>
<td>A human rights based approach ensures that human standards, as established in international law, are applied as a criterion for policy orientation and the solution of problems in specific areas. It introduces a normative basis, which is obligatory for State Parties, and thus requires a legislative response at the State level. A rights approach implies that beneficiaries of policies and activities are active subjects and claim holders and stipulates duties or obligations for those against whom such claims can be held (duty bearers).</td>
</tr>
<tr>
<td><strong>CARE</strong></td>
<td>A rights-based approach deliberately and explicitly focuses on people’s achieving the minimum conditions for living with dignity (i.e achieving human rights). It does so by exposing the roots of vulnerability and marginalization and expanding the range of responses. It empowers people to claim and exercise their rights and fulfill their responsibilities. A rights-based approach recognizes poor, displaced, and war-affected people as having inherent rights essential to livelihood security—rights that are validated by international law.</td>
</tr>
<tr>
<td><strong>Save the Children</strong></td>
<td>A rights-based approach to development combines human rights, development and social activism to promote justice, equality and freedom. It holds duty bearers to account for their obligations, empowers people to demand their rightful entitlements, promotes equity and challenges discrimination.</td>
</tr>
</tbody>
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36 ODI, “What can we do with a Rights-Based Approach to Development” *Briefing Paper*, 3 (September 1999)
Critiques of the Rights-Based Approach

While the proponents of the rights-based approach see it as a critical paradigm shift in the development field, many question if a RBA actually adds anything of value to developmental work. The criticisms that follow are primarily issues with the theories behind the rights-based approach and problems with implementation broadly or in the abstract.

Daniel P. L. Chong, professor at Rollins College and author of *Freedom from Poverty*, argues that the mass proliferation of the rights-based approach has led to two separate but related justifications for implementing said approach. His argument, based on in-depth research on dozens of international NGOs and human rights organizations, leads to the conclusion that there is a split between the two sectors’ approaches:

Human rights organizations have adopted a predominantly legal approach to subsistence rights, which closely identifies rights with the international legal system and tends to privilege efforts that are focused on holding the state legally accountable. . . NGOs—in contrast to human rights organizations—have adopted a predominantly moral understanding of subsistence rights. Moral approaches de-link human rights from their international legal sources, and typically interpret rights as basic moral principles synonymous with equality, justice, participation, empowerment, and dignity.40

This point will be revisited in the discussion of specific organizations, but it does raise concerns about the gap between theory and implementation. While a two-approach understanding of RBA is not inherently a criticism, it does hint at the possibility that RBA operates on a level of conceptual vagueness that can lead to invalid appropriation of the term to non-RBA initiatives. Chong claims that human rights organizations also worry that given the development enterprise’s history of cycling through various...

40 Chong, *Freedom From Poverty*, 3-4
approaches to development that the rights-based approach may just be development’s “flavor of the month.”

An additional point of possible contention raised by Chong is the fact that a rights-based approach often urges NGOs to “take sides” in political battles. While again not inherently a problem, politicization can lead to hostility directed at an organization that either directly stands in opposition to a government or continually points out a government’s failures. Any hostility directed at an organization could lead to collateral damage in civil society groups and local NGOs that partner with an international organization. In turn, this could exacerbate any extant human rights abuses, whether they be caused by action or inaction.

In addition, the rights-based approach suffers from most of the criticisms that plague human rights work more broadly. The argument that human rights are not universal and that the rights enumerated by the rights-based approach are primarily, if not entirely, of Western construction is perhaps the most obvious of these carry-over criticisms. There is a long road ahead to see if the rights-based approach makes a discernable impact. Even though some organizations have had used this approach for ten years, it may still be a while for an accurate assessment to occur. However, the criticisms of the rights-based approach are valid. After fifty years of ever-increasing advocacy, human rights abuses continue at appalling levels and low-income countries have seen only marginal improvements in their GDP (see figure 1.2). Can incorporating human rights into development work really be enough to overcome this widening disparity between rich and poor? The answer is far from clear.

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41 Ibid, 107
42 Ibid, 15
In order to understand how the rights-based approach is attempting to improve on previous models, it is important to trace the history of the field of development. The following history is a mix between the theory behind development in that last sixty years as well as a brief overview of its practice. The majority of what follows does not directly concern development done through non-governmental organizations, which will be focused on later in this paper, but development practice more generally. However, this general history is critical to understanding the impetus for the creation of international NGOs, as these organizations were born out of development theory, but more crucially, out of the failures of governments and intergovernmental organizations.43

43 It is also important to note that NGOs, for the most part, did not become commonplace until the 1970s and 1980s while international development in general started much earlier (Chandler 2001, 682).
Chapter 3: History of Modern Development Enterprise

Fourth, we must embark on a bold new program for making the benefits of our scientific advances and industrial progress available for the improvement and growth of underdeveloped areas.

-Harry S. Truman

Seeing as the practice of international development has been largely trial and error, it should come as little surprise that the modern-day field started as somewhat of an accident. WWII turned foreign policy on its head. In the aftermath, new transnational groups came into being, including the United Nations and Bretton Woods institutions; Eleanor Roosevelt spearheaded the creation of the Universal Declaration of Human Rights; and the Marshall Plan was undertaken in an attempt to rebuild a fractured Europe. These events were some of the many that attempted to further the idea of an international community. However, the idea of a development enterprise had not yet truly come into being. What follows is the history of the dominant trends in development through the lens of official United States development assistance. While alternative narratives certainly exist, this history aims to be more a description of the evolution of predominant developmental ideas, rather than an exhaustive account of varying practices.

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44 This history is far from exhaustive, but rather attempts to focus on the changes in development practice that showed a practical of theoretical move towards the rights-based approach.
Gilbert Rist, *The History of International Development: From Western Origins to Global Faith.* (New York: Zed Books, 2003). As this paper will later focus on development organizations based in the United States, the history laid out here centers on the capitulation of development from within the U.S.
Discovery of the “Underdeveloped”

The accident of development, with regards to U.S. governmental policy, happened just a few short years after the end of the World War II, with what some might call an overzealous civil servant and a “public relations gimmick.” On January 20, 1949, President Truman gave his inaugural address, where he laid out his first three rather uncontroversial points about his plan to support the United Nations, continue with the Marshall Plan, and create a defensive force (NATO) against the Soviet bloc. His fourth point, however, was one that, despite its off-handed inclusion, would help to create a new form of international intervention. This point aimed to introduce a “fair deal” for the developing world. In it, President Truman called for action in “underdeveloped” nations on the basis of morality, national security, and the creation of new markets.

Truman’s fourth point emerged from a long history of colonization. In his book *Encountering Development*, Colombian scholar Arturo Escobar traces the practice of the “magic formula” development has too often been depicted as being in international affairs and concludes that the attitudes of the initial development community were born from the ashes of the sometimes-paternalistic tendencies of colonization. This sentiment, coupled with emerging United Nations data that revealed the immense

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economic dichotomy between Northern and Southern countries, provided the impetus for the creation of the development field.\footnote{Ibid, at 22. For instance, in 1949 The United Nations estimated that per capita income in the United States was $1,453 in while Indonesia only reached $25.} Truman’s words simply gave them legs.\footnote{The division of the world into the ‘North’ and ‘South’ in recent years is not one I am fully comfortable with (not least of all because the ‘North’ somehow includes countries clearly not in the North like Australia) But terms like ‘third world’ and ‘underdeveloped’ are even more inaccurate and pejorative. So while ‘North’ and ‘South’ are not remotely perfect definitions, they will be used with this understanding in mind.}

President Truman’s “bold new program” ushered in a half-century of development enterprise focused on the “growth of underdeveloped areas” and the “victims” of war and disease.\footnote{Harry S. Truman, \textit{Inaugural Address} (Washington D.C., January 20, 1949) \url{http://www.bartleby.com/124/pres53.html}} Overnight, half of the world was designated as poor and those living in these parts of the world lost their agency and in the eyes of the “developed” world became objects of charity.\footnote{Shawn Smallman and Kimberley Brown, \textit{Introduction to International and Global Studies} (Chapel Hill: The University of North Carolina Press, 2011): 166.} President Truman’s speech set the tone of development practice for the years that followed, and while the newly created field did experience a period of robust support in part due to the public’s reaction to the President’s speech, the labeling of those countries with a low GDP as victims would prove to be a disservice to actual development.\footnote{Maggie Black, \textit{The No-Nonsense Guide to International Development} (Oxford: New International Publications 2002): 19.}

Economist Arthur Lewis sums up the practice of development in the decade that followed the four points speech with his assertion that the “subject matter was growth, and not distribution.”\footnote{W. Arthur Lewis, \textit{The Theory of Economic Growth} (Homewood, Illinois: Unwin Hyman, 1955).} The focus was on broad-based economic growth through the creation or improvement of infrastructure and not on improving the lives of the most marginalized people within a less developed country. The World Bank’s lending practices of the time give an accurate picture of how development was undertaken.
Between 1950 and 1959, 61% of the funds distributed by the Bank went into infrastructure creation and none went to the social sector; today the social sector receives 26% of bank loans and infrastructure only 24%.\textsuperscript{56} The primary aim of this decade was to boost economic growth, and development practice fell much in line with modernization theory. Practitioners followed a model that saw “West as best” and ignored the possibility that development may not be a linear practice but one that requires a reassessment depending on where it takes place.\textsuperscript{57}

In addition to this unquestioned focus on economic measures of development during this time, it is important to note the changing justification for international development. By the end of the 1950s, development practice had lost a bit of the fervor created by President Truman’s speech.\textsuperscript{58} Development for development’s sake was no longer good enough for the United States government. Western policy-makers were now concerned with the growing power of the Soviet Union and saw development as a means to control the resources of less-developed countries and ensure that they did not fall prey to communism.\textsuperscript{59} Patron-client relationships between the United States and developing countries became the norm.\textsuperscript{60} It was with this aim in mind that

\textsuperscript{57} Smallman and Brown, \textit{Introduction to International and Global Studies} at 168. One of the most popular theories during this time was Walter Rostow’s five stages of development model. This theory maps out the practice of development from (1) traditional society; (2) preconditions for take-off; (3) take-off; (4) drive to maturity; and (5) age of high mass consumption. This model is now criticized as being too rooted in Western cultures and ignorant of the fact that development is not a one-size fits all solution.
\textsuperscript{59} Pupavac, \textit{International Development Policies}, 3. The influence of Soviet concerns in the practice of development would not stop until towards the end of cold war.
\textsuperscript{60} Rajagopal, \textit{Counter-Hegemonic International Law}, 776.
modernization theory would enjoy nearly two decades of formal support. It would not be until the end of the 1960s that the practice of development would move away from purely economic indicators like GDP to ones more sensitive to the importance of social factors.

**The Move Towards Multiple Level Indicators**

President Kennedy ushered in the “UN Development Decade” by setting a target for every “developed” nation to contribute 1% of its GDP to foreign aid benefiting “underdeveloped countries.” At the end of this decade, GDP rises indicated that developing countries were improving. However, this growth was not being seen in the majority of the population, but focused in the hands of a few elites. In light of this unsettling fact, arguments for the use of social measurements in development practice became commonplace. Dudley Seers, a noted British economist, writes in his essay *The Meaning of Development* that, “the focus on national income as a target for achieving poverty reduction avoided the real problems of development,” and that there needed to be a new approach, one more focused on social indicators like education, food supply, and political independence. In Seers’s view, development needed to be repurposed to tackle endemic poverty, inequality, and unemployment and not simply a country’s GDP.

The 1970s and 1980s continued with the idea of development serving as a tool to help the most disadvantaged in societies, and while in practice this has surely proven to often not be the case, the basic-needs approach developed as a way to focus on what

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61 Black, *No-Nonsense Guide* at 19. Though the United States leads in foreign assistance in absolute numbers. The Center for Global Development shows that the country has not given 1% of their GDP since the late 1980s (Center for Global Development 2010).


Escobar calls the “village level” of development.\textsuperscript{64} Mahbub ul Haq, founder of the Human Development Report, sees this time as the true beginning of development as a practice targeting the most impoverished in developing countries.

For the first time, we have begun to acknowledge—still with a curious reluctance—that in many societies GNP can increase while human lives shrivel. We have begun to focus on human needs, the compilation of poverty profiles, and the situation of the bottom 40\% of society often bypassed by development. We have started to measure the costs of adjustment not only in lost output, but also in lost lives and lost human potential. We have finally begun to accept the axiom that human welfare—not GNP—is the true end of development.\textsuperscript{65}

In 1973 Robert McNamara, then President of the World Bank, called for developing countries to change their policies to better serve the poorest 40\% of their populations.\textsuperscript{66} While in practice, development efforts would still fail to always help the most marginalized in society, leaders of NGOs to heads of international lending institutions signaled a change in the dialogue surrounding the topic.\textsuperscript{67} The general development consensus shifted to what has been coined as “the basic-needs approach.”

The basic-needs approach argued that development needed to be humanized and focused not on economic wealth, but on consumption goods like education, healthcare, and food supply.\textsuperscript{68} However, like most past approaches to development, the basic-needs approach was far less noble in practice than in theory. Some accused this approach of being a justification for self-serving foreign intervention that used absurd measures as

\textsuperscript{64} Escobar, \textit{Encountering Development}, 47.
\textsuperscript{66} Black, \textit{No-Nonsense Guide}, 22.
\textsuperscript{67} In fact, though dialogue in the IMF and World Bank may have shifted, many argue that their treatment of developing nations remains poor.
benchmarks for the fulfillment of basic needs.\textsuperscript{69} Proponents of the basic-needs approach, Paul Streeten and the International Labour Organization, did push the development agenda towards “levels of living indicators,” which was an important departure from previous economically driven measures. Although the basic-needs approach was too vague to achieve its sought-after goals, it would still prove to be a stepping-stone towards better methods.\textsuperscript{70}

\textbf{Backsliding with Structural Adjustment Programs}

Unfortunately, the practice of development in the 1980s did not reflect the rhetoric employed by McNamara and others who voiced a desire for a shift towards efforts that reduced poverty. In fact, this decade saw the beginnings of a period of harmful policies codified in the use of structural adjustment programs (SAPs).\textsuperscript{71} These programs, tied intrinsically with the Washington Consensus, were supposed to develop growth and capacity.\textsuperscript{72} However, when it came to developing nations, particularly in Africa, these initiatives generally pushed countries “into deeper dependency and more

\textsuperscript{69} Gilbert Rist cites a few different examples of what he calls “bureaucratic naivety.” One report on the basic-needs approach states that a women in Bangladesh needs 12.5 square yards of cloth in order to cloth herself, while another claims that a family of six needs at minimum two 150-square foot rooms in order to have adequate living space. These figures are far too case-oriented to be generalizable, and seem almost presumptuous in their assertion. Rist, \textit{Human Rights and Development}, 167.

\textsuperscript{70} Sumner and Tiwari, \textit{After 2015}, 45.

\textsuperscript{71} An extended detailing of SAPs escapes the scope of this paper. Briefly, SAPs are conditions placed on developing countries to get new loans or lower interest rates on loans. They include austerity measures, resource extraction, trade liberalization, removing price controls, and privatization.

\textsuperscript{72} The Washington Consensus, often used interchangeably with neoliberalism, refers to a set of economic policies prescribed by the Bretton Woods institutions.
polarized poverty.”73 These programs were undertaken without regard to any semblance of human rights and pushed through despite early indicators that showed them to be less than effective.74 One of the harshest critics of these programs, Danilo Türk, claims that because of the use of structural adjustment programs “the 1980s . . . will go down in history as the ‘lost decade’ for development.”75

Even the World Bank has criticized these practices (which they engaged in) after the fact, citing that failures of structural adjustment policies could have been predicted in certain places, especially when taking into consideration a country’s political characteristics.76 Some have gone as far as to accuse the World Bank and IMF of hurting the proliferation of democracy by enforcing programs that could only be implemented by authoritarian governments.77 Organizations like UNICEF eventually spoke out against these programs that were all-too-focused on economic efficiency and not on the “human face” of their policies that subsequently helped to economically destroy Southern states that had not already been swept under by the debt crisis in the 1980s.78 In their Human Development Report 23 in 1990, the UNDP called for a “human development,” which would allow people to choose their own development strategy.

75 Ibid, 97.
76 The example cited in this World Ban policy report is the structural adjustment programs in Zambia in the 1980s. These four loans all tolled were $212 million, and three were complete failures. However, to this day the World Bank, as well as the IMF, have failed to make the kind of significant changes needed in their treatment of developing nations. David Dollar and Lant Pritchett. “Assessing Aid; What Works, What Doesn’t, and Why” (Oxford: Oxford University Press, 1998):65.
77 Forsythe, supra note 13, 341.
While top-down approaches would still be the norm for the next decade, once again the rhetoric was moving in a positive direction.\textsuperscript{79}

**Call for ‘Good Governance and Democracy’**

In part due to the failure of the majority of structural adjustment programs, governments and intergovernmental organizations alike began to look for an alternative to economic conditionality towards the late 1980s, or at least a change towards implementation. Organizations like the World Bank claimed that these programs had failed in part because of corruption in the recipient governments, so they decided to include the consideration of institutional reforms in governments in their loans.\textsuperscript{80} In his article “On High Moral Ground: The Incorporation of Human Rights by the Development Enterprise”, Peter Uvin sums up the justification behind this approach:

> Governments signed structural adjustment agreements but subsequently failed to implement them correctly, if at all. If only the workings of Third World governments were more transparent and accountable, the thought went, then surely other social groups would demand the right policies and a domestic basis for a stable and liberal policy environment would be laid. As such, the good governance agenda was explicitly designed to be the complement, the political extension, of structural adjustment programs.\textsuperscript{81}

As Uvin implies, to claim that the concentration on “good governance” was a shift away from previous structural adjustment programs would be inaccurate. Rather, organizations attempted to use the rhetoric of good governance to continue to implement these programs despite previous failures.\textsuperscript{82}

\textsuperscript{79} Ibid, 740.
\textsuperscript{80} Kinley, *Civilising Globalization*
\textsuperscript{81} Uvin, *On High Moral Ground* 4.
\textsuperscript{82} Julie A. Mertus, *Bait and Switch: Human Rights and U.S. Foreign Policy* (New York: Routledge, 2004): 40. The idea of ‘good governance’ should, however, should not be unilaterally dismissed as a way to repackage old initiatives. The concept would later become a tenet of the
This failure to toss out SAPs underscores a more general problem of development enterprise mentioned earlier: the failure to reevaluate and reject ineffective practices. Instead of realizing that SAPs themselves were the problem, Haq claims that the World Bank defended their projects as “technically sound” and that their failure was the fault of an ineffective governments in recipient countries.\(^{83}\)

This is not to say that the concept of good governance is not a worthy addition to development practice, simply that, at the time of its formal inception, it was more a façade for continuing unsuccessful practices, at least for international lending institutions.\(^{84}\) Rather than look inward at their own flaws, they preferred to pass the blame onto those receiving loans. The United Nations, however, did see increasing formal participation in state affairs by citizens in developing nations as critical to effective development program implementation, and began in the 1990s to make these connections.\(^{85}\) Some take issue with this assertion, claiming that connecting ‘good governance’ with development was simply an attempt to push democracy on developing nations. While few would argue democracy is inherently a negative thing, claiming that democracy would somehow make development practices more effective was ignoring other potential reasons for a failure of these attempts.\(^{86}\) The thrust for good governance

\(^{83}\) The bank called for an improvement in “public sector management, a democratic system of accountability, a sound legal framework for development, access to information and transparency, systematic checks against corruption and reduced military expenditures” Haq, Reflections on Human Development, 148.

\(^{84}\) Good governance can be a nobler goal as the Human Rights Council of Australia claims it can mean to “establish mechanisms to combat corruption and ineffective management” or “establish democratic institutions” (Human Rights Council of Australia 2001, 4-5). This will be revisited later when discussing the facets of the rights-based approach.

\(^{85}\) Mohan and Holland, Human Rights and Development in Africa, 182

would serve as another important stepping stone towards the creation of a rights-based approach to development. As it continued to shift, the development paradigm turned away from purely economic factors of development and looked to community-level reasons for successes or failures of practices.

**Development as Freedom: The Move Towards a Rights-Based Approach**

In 1999 Amartya Sen published a book that took development in a new direction. In *Development as Freedom*, Sen argues that development which actually achieves what the word implies must focus on increasing individual freedoms as both a means and ends.\(^87\) This advancement serves as the precursor for a rights-based approach to development as it tries to reconcile the ends goals of development work with the tools used to achieve these goals. Sen’s version of development attempts to return agency to those in developing nations who were robbed of it during President Truman’s inaugural address.\(^88\) His argument calls for organizations and governments to focus on the deprivation of capabilities rather than income as it can reveal features of poverty low income hides.\(^89\) This calls for a redefinition of poverty as having to do with an inability to attempt to provide for oneself due to economic constraints, not simply a low-

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\(^{87}\) Unfreedoms include hunger, famine, ignorance, an unsustainable economic life, unemployment, barriers to economic fulfillment by women or minority communities, premature death, violation of political freedom and basic liberty, threats to the environment, and little access to health, sanitation, or clean water. Amartya Sen, *Development as Freedom*

\(^{88}\) Sen is certainly not the first to argue that agency should be returned to people on the ground, but his work is one of the more articulate arguments in favor of this approach.

\(^{89}\) *Ibid*
income.\textsuperscript{90} According to the Nobel prize committee Sen’s work helped to restore “an ethical dimension to the discussion of economic problems.”\textsuperscript{91}

Sen’s critique of development practice and suggestions for improvement reverberated throughout significant parts of the development community. Though U.S. governmental policy and the Bretton Woods institutions have still not fully incorporated this understanding of what development means into their framework, other countries and international organizations have been more ready to use this view. In the United Nations 2001 Development Report, Sen’s definition of development as “a momentous engagement with freedom’s possibilities” is cited early on and the effects of his work can be traced through the entirety of the report.\textsuperscript{92} However, despite Sen’s work’s importance and fast proliferation into mainstream development practice, he fails, in Peter Uvin’s opinion, to make the sensible next step as it does not “move beyond the level of broad paradigmatic insight.”\textsuperscript{93} The UN Human Development Report, however, does provide a further move towards the rights-based approach with their spelling out of five ways to promote rights in development which are:

1. To launch independent national assessments of human rights;
2. Align national laws with human rights standards set by international laws;
3. Promote human rights norms
4. Strengthen a network of human rights organizations
5. Promote a rights-enabling economic environment\textsuperscript{94}

These progressions in the development field have brought it closer and closer to the a formal integration of human rights into general practice.

\begin{itemize}
\item \textsuperscript{90} Nafziger, \textit{From Seers to Sen}, 10.
\item \textsuperscript{91} Ibid, 1.
\item \textsuperscript{92} United Nations Development Project, \textit{Human Development Report} (New York:2001)
\item \textsuperscript{93} Uvin, \textit{On High Moral Ground}, 8.
\item \textsuperscript{94} Ibid, 9
\end{itemize}
Conclusion

In the sixty years since President Truman made his declaration, there have been some very notable achievements made under the practice of development. Global health advocates will point to the near eradication of polio, while practitioners of development economics urge critics to look at the economic expansion in places like South America and parts of Asia. But has the well-intentioned idea of development actually accomplished what it has set out to achieve? While these previously mentioned achievements should not be discounted, one only has to look towards the rhetoric used by United States government officials to see that development has fallen far short of its stated objectives. President Kennedy once said, “We have the ability, as members of the human race, we have the means, we have the capacity to eliminate hunger from the face of the earth in our lifetime. We need only the will” while in 1974 US Secretary of State Henry Kissinger stated that” within a decade, no child will go to bed hungry, that no family will fear for its next day’s bread and that no human being’s future and capacity will be stunted by malnutrition.” What is remarkable about these statements is that they are wholly unremarkable. It would be hard to distinguish these grandiose claims from Truman’s fourth point made decades earlier. If the development enterprise has really changed, shouldn’t this be reflected in the speech of public officials?

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95 Bill and Melinda Gates Foundation, (2011) Polio
http://www.gatesfoundation.org/polio/Pages/overview.aspx
96 Smallman and Brown, Introduction to International and Global Studies, 111.
Even President Barack Obama’s recent speech looks very familiar to those written fifty years ago. In 2010, President Obama gave a speech at the UN for the ten-year anniversary of the start of the Millennium Development Goals. In the speech he argues almost every angle for development that has been presented over the years. He touches on development as a “national security strategy,” as a “moral imperative,” and an “economic imperative.” President Obama also argues that “broad-based economic growth” and “good governance and democracy” are the ways in which developing countries are going to improve their station.\(^9^8\) However, despite the fact that President Obama’s speech is largely one of recycled oratory he does touch on the inclusion of one more progressive idea: human rights. The mention of human rights as a way to improve development efforts is critically important and the President’s reference to this hopefully shows that the motivation behind these practices is changing, even if the change has been exceedingly incremental.

Development practice in the past has too often been at least partially a self-serving enterprise disguised as a crusade for a helpless third world. Whether it is in order to promote national security, open-up trade, or gain political influence it cannot be ignored that international development in the past has often benefited the North more so than the South.\(^9^9\) In recent years the development paradigm has shifted substantially. It is now commonly agreed upon that lasting development can only happen if individuals are taken into account. As Haq states “after many decades of development, we are rediscovering the obvious—that people are both the means and the

\(^{98}\) Barack Obama, \textit{Remarks by the President at the Millennium Development Goals Summit in New York}(New York: September 22, 2010)

\(^{99}\) Pupavac, \textit{International Development Studies} at 5

Rajagopal, \textit{Counter-Hegemonic International Law} at 32;

Kanbur and Sandler, \textit{The Future of Development Assistance} at 18.
end of economic development.”\textsuperscript{100} However, the development community is still split on how to best utilize a human-centered approach to development. Haq begins each of his chapters with a quote from Lewis Carroll’s \textit{Alice’s Adventures in Wonderland} to suggest that development discourse is a labyrinth of ideas and interventions, a rabbit hole. This is an appropriate metaphor. Frequently what has been said to occur and what actually occurs in development practice have been vaguely similar if not totally different things. The Rights-Based Approach hopes to change this by redefining the problem, the approach, and the end goal. If undertaken completely it aims to make these “helpless” residents of the South, active agents in their own development. As a point of summation, a chart produced by the Danish Institute for Human Rights serves as a good reference point for tracing the different approaches to development overtime. It is reproduced below:

\begin{center}
\textsuperscript{100} Haq, \textit{Reflections on Human Development}, at 3.
\end{center}
<table>
<thead>
<tr>
<th>Charity Approach</th>
<th>Needs Approach</th>
<th>RBA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Focus on inputs not outcome</td>
<td>Focus on inputs and outcome</td>
<td>Focus on process and outcomes</td>
</tr>
<tr>
<td>Emphasizes Increasing charity</td>
<td>Emphasizes meeting needs</td>
<td>Emphasizes realizing rights</td>
</tr>
<tr>
<td>Recognizes moral responsibility of rich towards poor</td>
<td>Recognizes needs as valid claims</td>
<td>Recognizes individual and group rights as claims toward legal and moral duty-bearers</td>
</tr>
<tr>
<td>Individuals are seen as victims</td>
<td>Individuals are objects of development interventions</td>
<td>Individuals and groups are empowered to claim their rights</td>
</tr>
<tr>
<td>Individuals deserve assistance</td>
<td>Individuals deserve assistance</td>
<td>Individuals are entitled to assistance</td>
</tr>
<tr>
<td>Focuses on manifestation of problems</td>
<td>Focuses on immediate causes of problems</td>
<td>Focuses on structural causes and their manifestations</td>
</tr>
</tbody>
</table>

Chapter 3: Human Rights Organizations: Strengths and Weaknesses

Since the end of War World II, the creation of the Universal Declaration for Human Rights in 1948, and its subsequent twin covenants in 1966, there has been an upsurge in international organizations created with the expressed purpose of reporting on human rights abuses and advocating on behalf of those abused. While a few international human rights organizations existed before this time – for example, Anti-Slavery International – the largest and most well-known organizations – like Amnesty International (AI) and Human Rights Watch (HRW)– started, at least in part, in response to the rights articulated in these new international declarations. Though Amnesty International and Human Rights Watch have each faced criticisms in the decades since their creation, these two juggernauts of the human rights field, along with smaller organizations like Physicians for Human Rights (PHR), have played a critical role in drawing attention to abuses throughout the world. However, despite their

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103 PHR is one of a myriad of issue-focused human rights organizations. It is chosen here as kind of foil to the later discussion of Partners in Health and because it is a good example of how smaller human rights organizations often use tactics similar to the larger organizations. http://www.amnestyusa.org/our-work/victories, http://www.hrw.org/about/success-stories, http://physiciansforhumanrights.org/about/impact/ The webpages contain hundreds of documents chronicling the impact of these organizations. They range from advocacy and lobbying campaigns that led to the freeing political prisoners to the creation of treaties. In addition, both Amnesty International and Physicians for Human Rights (for their work in the International Campaign to Ban Landmines) were awarded the Nobel Peace Prize (in 1977 and 1997, respectively).
substantial impact on propagating human rights law, they have thus far failed to undertake development projects that directly affect those suffering from human right abuses at the local level. These organizations have preferred to pressure national governments and international polities to take legal action against such violations.\textsuperscript{105} This policy of “naming and shaming” plays a fundamental role in the development of international human rights norms, but despite over half a century of this work human rights abuses continue at appalling rates, specifically with respect to economic, social, and cultural rights.

While continuing to shape the international legal system – as international human rights organizations do – is a crucial piece of the human rights puzzle, it is far from the only necessary intervention. The rights-based approach to development complements the work done by organizations like AI, HRW, and PHR by taking bottom-up and immediate approaches to spreading human rights in contrast to the more top-down, long-term approach that is international legal formation. The following pages give a general overview of these three major international human rights organizations – Amnesty International, Human Rights Watch, and Physicians for Human Rights – and detail both the benefits and drawbacks of their approaches in creating a more human

\textsuperscript{105} The purpose of this section is not to discredit this approach, but to argue that in and of itself it will not be enough to combat human rights violations. I will argue that by the very merit of their construction, international human rights organizations are best positioned to report and advocate for human rights on the international level and risk jeopardizing their legitimacy and spreading their resources too thin by engaging in local rights-based development work. The following is by no means a comprehensive account of all international human rights groups, but focuses primarily on work done by Amnesty International, Human Rights Watch, Physicians for Human Rights. By looking at what these organizations do well, and what they do not, I hope to show that organizations specifically dedicated to development work operate in a better space for addressing human rights from the bottom-up, and that human rights organizations would best further their goals by learning from and educating these organizations, rather than attempting to enter the development field themselves.
rights-conscience world environment. This is done in order to better understand how rights-based development organizations can complement and be complemented by the work that human rights organizations undertake around the world. Ultimately, what needs to occur is more cooperation between these two kinds of organizations as the strengths of one can be used to more effectively combat the weaknesses of the other.

**A Brief Overview of AI, HRW, and PHR**

While these organizations have important differences, there are many more commonalities in their work to bring human rights abuses to justice. Figure 3.1 gives a brief overview of each organization’s mission, issue areas, and main methods of work.

One evident shared feature is that these organizations all make the prosecution of violations and the dissemination of human rights reports a major focus. Though these organizations are all composed of a different makeup of activists, academics, reporters, and citizens, and each has abuses that they focus more heavily on, their shared metrics and goals allow for a substantial amount of overlap.

In their study of what shapes Amnesty International and Human Rights Watch’s agenda James Ron, Howard Ramos, and Kathleen Rodgers discuss the use of “information politics” within human rights campaigns. To them these organizations make their main mission one of enlightening both national and international decision-

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107 Human Rights Watch is primarily an organization made up of trained professionals that embark on fact-finding missions, while Amnesty is a mix of this approach and citizen chapter organizations, and Physicians for Human Rights is made primarily of medical professionals.

108 Ron, Ramos, and Rodgers, *Transnational Information Politics* at 575.
makers and citizens. Human rights NGOs believe their primary purpose to strengthen human rights norms via legal routes. While building international, specifically human

<table>
<thead>
<tr>
<th>Figure 3.1</th>
<th>Mission Statement</th>
<th>Issue Areas (no order)</th>
<th>Main Methods</th>
</tr>
</thead>
</table>
| Amnesty Int. | Amnesty's mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination—in the context of our work to promote all human rights, as articulated in the Universal Declaration of Human Rights. | →freedom of expression →protect women’s rights →abolish the death penalty →justice for crimes against humanity →corporate accountability where companies have abused people’s rights | →Publish Reports →Observe Trials →Interviews →Inform News Media →Advocacy & Education Initiatives

| Human Rights Watch | Human Rights Watch is dedicated to protecting the human rights of people around the world. We stand with victims and activists to prevent discrimination, to uphold political freedom, to protect people from inhumane conduct in wartime, and to bring offenders to justice. We investigate and expose human rights violations and hold abusers accountable. We challenge governments and those who hold power to end abusive practices and respect international human rights law. We enlist the public and the international community to support the cause of human rights for all | →Women’s rights →Refugees →Terrorism→Disability rights →Press freedom →Business →LGBT rights →Environment →International justice →ESC rights→Migrant rights →Health →Children’s rights →Counterterrorism →Torture →Armaments→UN | →Investigations and fact-checking →Publishing Reports →Pressuring Governments/Financial Institutions →Recommend ing courses of action →Advocacy (including Film Festivals)

| Physicians for Human Rights | Physicians for Human Rights (PHR) is an independent organization that uses medicine and science to stop mass atrocities and severe human rights violations against individuals. PHR exists to stop mass atrocities (crimes against humanity, genocide, and war crimes) and acts that cause severe physical or mental harm to individuals. | →Torture →Mass Atrocities →Rape in War →Persecution of Heath Workers | →Investigate Abuses →Documenting Evidence and Stories →Calling for Action →Training and Education

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109 Ibid, at 570. The authors find that these organizations are more likely to report on certain types of rights violations, specifically political and other negative human rights.

110 Nelson and Dorsey, Nexus of Human Rights and Development at 2015
rights law, may help to shape international norms, building rule of law is a slow process that, in the mean time, leaves rights-holders suffering from violations for with little choice to escape.\textsuperscript{115} In addition, human rights organizations have been particularly reluctant to take on the economic, social and cultural rights. This struggle over the inclusion of these rights into their work gives insight into how development organizations implementing the rights-based approach can help to balance their efforts.

**The Problem with Positive Rights\textsuperscript{116}**

In the 1990s, Amnesty International, Human Rights Watch, Physicians for Human Rights, and other major human right organizations all began to pay more attention to rights codified in the International Covenant on Economic, Social and

\textsuperscript{111} All information presented in this chart comes directly from the organizations’ website. Most material can be found under the about, issue, who we are, and frequently asked question sections.\url{http://www.amnesty.org}; \url{http://physiciansforhumanrights.org}; \url{http://www.hrw.org}

\textsuperscript{112} Advocacy and education initiatives include: public demonstrations, vigils, letter-writing campaigns, human rights education, awareness-raising, concerts, direct lobbying, targeted appeals, email petitions and other online actions, partnerships with local campaigning groups, community activities, co-operation with student groups

\textsuperscript{113} This includes the following: call for sanctions and interventions, appoint commissions of inquiry, prosecute individuals, initiate investigations, draft legislation, shape US policy priorities, host hearings and briefings on key human rights issues, and support the goals of our grassroots NGO partners

\textsuperscript{114} PHR funds training and educations projects including forensic science training, asylum network training, and a student program.

\textsuperscript{115} In addition, due to a lack of swift and powerful enforcement, human rights law is often characterized as “soft law.” While soft law has a bigger impact in proliferating minimum standards than some realize, it still often suffers from being seen as unenforceable and more as a set of guidelines than true law. See the International Committee of the Red Cross’s “International Humanitarian Law and International Human Rights Law: Similarities and Differences,” Memo from January, 2003.

\textsuperscript{116} The difference between so-called negative and positive rights has to do with their implementation. Negative rights are human right which require governments and other possible abusers \textit{not} to act in a certain way, while positive rights require these same bodies \textit{to} act in certain ways. Political and civil rights tend to fall in the first category while economic, social, and cultural rights fall into that later (these are also frequently referred to as first generation and second generation rights, respectively).
Cultural Rights (ICESCR). However, it was not until after the intellectual and political sea change that was the publishing of works like the UN’s *Human Development Report 2000* and Amartya Sen’s *Development as Freedom* that the climate really pushed human rights organizations to formally adopt a commitment to ESC rights. Physicians for Human Rights was one organization early to tread into the ESC waters with their attention to HIV/AIDS, which has now expanded to a much more rounded assault on inadequate health care in places like Zimbabwe. But less specified human rights groups like AI and HRW have been quick to follow suit. After intense internal discussion with member chapters, Amnesty International officially made the expansion into ESC territory in 2001 and though Human Rights Watch has been more reluctant even they have begun to address ESC that they believe fits well into their long-established methodology. This integration is important on many levels, because it helps further legitimize these organizations’ work with respect to countries and academics who claim efforts from human rights groups in the past have been too focused on the set of human rights most supported by Western nations. Given the established legitimacy of these groups, if they undertake ESC rights it may lead to greater attention to these issues in

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118 Ibid, at 20.
120 Kenneth Roth, “International Human Rights Organizations and Economic, Social, and Cultural Rights: A Practical Defense” (February 2002)
other venues. In addition ESC rights take into account an element of human suffering that is not captured in civil and political rights.\footnote{Ibid, at 311.}

However, despite new attention to the “full-spectrum” of human rights, these organizations all face real limitations in undertaking positive rights. Kenneth Roth, head of Human Rights Watch since 1994, best articulates the collective problem faced by these organizations in regards to ESC rights. Roth points out that the “core of [HRW’s] mythology is the ability to investigate, expose, and shame, [HRW is] at our most effective when we can hold governmental (or in some cases, nongovernmental) conduct up to a disapproving public.”\footnote{Roth, International Human Rights Organizations at 3.} AI does not agree entirely with HRW’s approach as they spend more of their resources in mobilizing and educating civil society, however, their reliance on a similar framework in other respects makes this applicable to them as well.\footnote{Bell and Carens, Ethical Dilemmas of International Human Rights at 315. However, even AI’s partnering with groups on the ground is primarily focused on the ways in which the legal system can improve to address human rights, which is limited, especially when dealing with ESC rights.} Roth acknowledges that other human rights groups might not have this constraint in his statement that:

> Human Rights Watch’s experience has led me to believe that there are certain types of ESC issues for which our methodology works well and others for which it does not. In my view, understanding this distinction is key for an international human rights organization such as Human Rights Watch to address ESC rights effectively. Other approaches may work for other types of human rights groups, but organizations such as Human Rights Watch that rely foremost on shaming and the generation of public pressure to defend rights should remain attentive to this distinction.\footnote{Kenneth Roth, “Defending Economic, Social, and Cultural Rights: Practical Issues Faced by an International Human Rights Organization,” Human Rights Quarterly, Volume 26, No. 1. (February 2004):64.}
However, the “naming and shaming” model is used in all three of these organizations to some extent, and so Roth’s reservations about ESC rights should not be dismissed as unique to Human Rights Watch. Though some see Roth’s understanding of the capabilities of human rights organizations’ on addressing ESC struggles as too limited, it is instead a realistic estimation of what a human rights group is capable of achieving in their current formation, a much needed change for the field. In addition, Roth’s view should be taken in juxtaposition with former Human Rights Watch director and current president of the Open Society Institute, Aryeh Neier’s, total dismal of ESC rights as legitimate rights at all.125

Amnesty International has expressed similar concerns in relation to organizational capacity to properly address and general public support for ESC rights, and also worries that attempting to undertake unfamiliar and difficult projects may lower their professional reputation and impartiality that often aids in their ability to effectively lobby governments.126 This organizational issue is reflected in the ESC projects that these groups due undertake as they are almost always ones in which some institution is at fault for reasons other than simply a lack of ability to provide services. For example, Physicians for Human Right’s report to the Committee on Economic, Social and Cultural Rights exposed discriminatory practices of British doctors in the United Kingdom’s national health service against vulnerable groups like women, the learning disabled, and the elderly, despite their claim of fifty-five years of universal

125 Ibid, at 64
126 Bell and Carens, Ethical Dilemmas of International Human Rights at 310
access. This attention to discrimination and not to something facing healthcare that has a less obvious solution, is typical of how human rights NGOs have tried to include ESC rights in their agenda.

Roth may be proven to be incorrect about where the limits are of what human rights organizations can do for ESC rights, there are still most certainly limits. Human rights groups fixate on the legal language associated with human rights laws and treaties. While this approach certainly has its advantages, Chidi Anselm Odinkalu, Senior Legal Officer at the Open Society Justice Initiative, gives a harsh review about the obsession with the legal and rhetorical side of human rights, specifically in regards to what it means for Africa:

In Africa, the realization of human rights is serious business indeed . . . Knowledge of the contents of the Universal Declaration [of Human Rights] will hardly advance their condition. What they need is a movement that channels these frustrations into articulate demands that evoke responses from the political process. This the human rights movement is unwilling or unable to provide. In consequence, the real-life struggles of social justice are waged despite human rights groups – not by or because of them – by people that feel that their realities are not adequately covered by human rights language.128

While Odinkalu may be overly critical, he does point to important drawbacks of the approach most international human rights organizations take it being so focused on the legal side of human rights. Human rights scholar Tony Evans sees the problem with this approach s being wrapped up in the fact that the international law of human rights is an

“embryo system of law” that operates “within a new, if still emergent, world constitution”.\textsuperscript{129}

**Conclusion:**

Given the limited amount of resources available to these human rights organizations, it is not difficult to see why there is a resistance to further expanding their work into the realm of ESC rights, especially when their expertise is primarily in methods that may not be as effective in addressing these abuses. Generally, human rights organizations seem to be more capable of generating international norms and law, and not at directly addressing abuses that cause action, and not simply abstaining from action as civil and political rights require. This is not to downplay the work done by human rights groups, but rather to offer a realistic expectation of what this kind of organization can accomplish. Rather than tackling every issue on their own, especially when they are faced with issues foreign to their expertise, it may be more productive to form partnerships and networks with organizations that are already positioned to provide on the ground assistance: development organizations, specifically, those that have adopted a rights-based framework. Ensuring the protection of human rights globally takes a lot more than international law, it takes immediate action in effected areas. For many reasons development organizations are in a better place than the current network of human rights groups to provide this kind of aid. Thus far, there has not been much coordination between human rights and development organizations.

Human rights and rights-based development organizations need to realize they are fighting the same battle, albeit on different levels, and begin to integrate their approaches on those levels that overlap, while still focusing their attention on the roles they are most suited to fulfill. This is of critical importance now when the rights-based approach is still a developing notion. Human rights groups can provide valuable insight to development organizations due to their years of experience in fighting injustices. Two development organizations – Partners in Health and Oxfam America– have begun to use the rights-based approach in the last decade, but due to a lack of cohesion in the approach their models vary from one another substantially. However, looking at these two organizations in a comparative perspective gives valuable insight into what RBA can mean practically.
Chapter 4: The Nexus of Human Rights and Development Organizations

While building rule of law through exposing and shaming governments and using “soft” law measures to make them adhere to treaties is certainly important, trying to address human rights violations in this top-down approach (whether it be international or national law) is more of a long-term strategy.\textsuperscript{130} It does little to affect the lives of those suffering from human rights violations now. This is where development NGOs may be able to complement human rights organizations. Combining the rights-based approach to development work with already established human rights agencies can help move the human rights discourse away from the “paradox of emptying promises” expressed by Haftner-Burton and Tsutsui.\textsuperscript{131} Human rights will be addressed from the bottom-up as well as the top-down.

This is not to say that these organizations need to work separately from each other, in fact the opposite is true. Human rights and development organizations are only recently beginning to partner up with each other and learn from each others insights. So while nothing definitive can be said about the merits of increased partnership, it seems sensible that this kind of cooperation would be mutually beneficil. Rather than each group trying to advance human rights in every space – political, legal, practical – there could be an understanding that each are equipped to better address different aspects of

\textsuperscript{130} The twelve-year gap between creation and ratification of the two UDHR covenants illustrates how slow the legal process, especially at the international level, can be.
the human rights movement. Raymond Offenheiser, current director of Oxfam America believes:

A rights-based approach to development bridges theoretical gaps between political, civil, social, and economic rights by understanding how they are interconnected in practice. During the past half-century, specialized civil society organizations like Amnesty International and Human Rights Watch have effectively spotlighted violations of political and civil rights, using the “stick” of adverse publicity to halt violations, case by case. Civil society has yet to focus on the “carrots” needed to build social, cultural, and institutional capacity and to create a positive environment that makes honoring rights our new norm.132

Offenheiser’s comments underscore the need for these two types of organizations to look at the each other and understand how each type of group best adds to the increased adherence to human rights standards, and to what extent these practices can be transferred to the other.

In addition to the possibility of learning from each other, there is at least one space in particular that both types of organizations can and have collaborated on in order to have a more powerful impact: advocacy. Though human rights and development groups approach advocacy work in different ways – human rights organizations focus on legal impetuses while development organizations provide insight into what can be done to practically affect human rights, particularly ESC rights – together they may be prove to be more convincing on both the national and international levels. A truly international human rights movement cannot occur without the acknowledgement that not every place is currently equipped to handle the massive requirements of human rights treaties. The rights-based approach offers a way to refine the development enterprise into something that can combat human rights abuses

incrementally on the ground, while providing support to established human rights powerhouses who are in need of a way to translate human rights law into practical action.

In the next couple of chapters, attention is paid to two organizations that have, in recent years, adopted a rights-based approach to their development work. These organizations – Partners in Health and Oxfam America – are chosen because they have established track records and are often rated highly among international organizations. However, as the next sections will show, they understand a rights-based approach to development in different ways, and have implemented this practice with varying degrees and kinds of success. These chapters aim to show a comparison between the two, but also present issues facing both in order to entice further discussion on how partnerships with human rights groups may be able to help address these problems.

The discussion begins by looking at Partners in Health. This organization has grown dramatically in recent years and serves as good starting point because their focus area is a good entry point for a rights-based discussion. Oxfam America is looked at next. Their work is widespread in both geographic terms and subject matter. This provides an interesting challenge for a rights-based approach due to the massive scope of their undertakings, and really puts to test its ability to apply to differing scenarios.

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133 Charity Navigator and Charity Watch are two organizations that produce such assessment. There websites are: [http://www.charitynavigator.org/](http://www.charitynavigator.org/) and [http://www.charitywatch.org/toprated.html](http://www.charitywatch.org/toprated.html).
Chapter 5: Partners in Health: Building A Movement

“Laws are made of paper; bayonets are made of steel.” – Haitian Saying

Partners in Health (PIH) was formally created in 1987 by founders Paul Farmer, Thomas J. White, and Todd McCormack (Ophelia Dahl and Jim Yong Kim joined shortly after) with a simple mission: whatever it takes. Since its humble beginnings documenting and treating HIV/AIDS patients in rural Haiti, PIH has expanded to include 76 facilities in 12 countries that focus not only on healthcare, but addressing interrelated human rights issues from water and sanitation to educational initiatives. Since 2003 the donated revenue of the organization has increased fivefold from $17.5 million annually to $88 million in 2011. Despite their remarkable scale-up, PIH has maintained their community-based model and remains dedicated to ensuring their revenue reaches people on the ground. As a point of reference, Charity Navigator gives PIH a four-star rating on financials, accountability, and transparency for a total score of 67.82 out of 70. 94.3% of there budget goes into programmatic expenses, compared to an average of 79% for health nonprofits generally. These numbers are a way of emphasizing how PIH’s mission has remained constant over the years, but their approach has changed substantially, though incrementally. Partners in Health’s move

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towards the rights-based approach is a story of organic growth, it is one that gives incredible insight or what a RBA means on the ground.

**PIH and the Rights-Based Approach**

Looking at the health sector is a good starting point in understanding the value-added of human rights to the development. As far as ESC rights goes, lack of proper healthcare is relatively easy to combat in that many of the health problems facing the most marginalized communities are preventable ailments for which there are cheap vaccines or cures. Though the idea of healthcare as a human right is contested, because of the ability for disease to spread regardless of national border, many support the proliferation of better healthcare even if they don’t support the rights-based motives behind it. Stephen Marks, Professor at the Harvard School of Public Health, asserts that health is at an interesting juncture in relation to human rights and development because

> At the conceptual level, the definitions of development, health and human rights are virtually identical and widely accepted in the abstract. WHO defines health as ‘a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity’. Such a broad definition – which some consider too broad to be meaningful embraces virtually the same content as development and human rights since all three deal with the improvement of the human condition and the fulfillment of the human potential.\(^{139}\)

If this is taken to be an accurate understanding of the interplay between health, human rights, and development, than a rights-based approach to development in healthcare provides a strong entry-point for developing a sense of what RBA mean in practice.

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\(^{139}\) Stephen Marks in S. Gruskin et al. (eds), 'Human Rights in Development: The Significance for Health', Perspectives on Health and Human Rights (New York: Taylor and Francis, 2005): 120.
Though strict rights-based approach theorists would argue that, by definition, an approach cannot be RBA without using the language of human rights, practical experience makes this a bit of a gray area. A strict theorist may argue that Partners in Health did not officially adopt a rights-based framework until they first included human rights in their mission statement in 2011.\textsuperscript{140} However, this severely downplays the impact of PIH on the RBA to development. To fully understand PIH’s influence on this approach it is important to acknowledge that rights-based strategies have been in existence much longer than the rights-based discourse.\textsuperscript{141} In addition, it is worth mentioning that while perhaps not explicitly mentioned as a motive for their work, PIH’s Paul Farmer has been writing on human rights and health since, at the latest, 1999.\textsuperscript{142} Regardless of when PIH started to formally implement a rights-based approach, with Farmer as one of the primary minds behind their work, it is likely that his understanding that “medicine and its allied health sciences have for too long been only peripherally involved in work on human rights”\textsuperscript{143} and that “the health part of the [rights-based] formula may prove critical to the success of the human rights movement”\textsuperscript{144} has translated into the framework of PIH. In at least one PIH program,

\textsuperscript{140} Using the website Wayback Machine I was able to look at archived screenshots of Partner in Health’s website since 1999. Though the phrase “human rights” appears at least as early as 2002 (in Ophelia Dahl’s Director’s Statement), it does not appear in their mission statement until 2011. However, this is of course only one avenue by which PIH made its approach known and while it may be the most public, other materials like reports and publications did include discussion of human rights as a impetus for their work much earlier. The point here is that their needs to be some flexibility in moving from RBA as a theory to RBA as a practice. As I will hopefully show in the next several pages, despite PIH’s weak use of rights-based approach rhetoric in the earlier years of their organization, they helped pioneer many of the RBA methods like involving the community and empowering individual stakeholders.

\textsuperscript{141} Srilatha Bhatiwal, “When Rights Go Wrong – Distorting the Rights Based Approach to Development” \textit{Speech to the UN General Assembly} (March 6, 2007)

\textsuperscript{142} Farmer, \textit{Partner to the Poor} at Chapter 21.

\textsuperscript{143} Farmer, \textit{Partner to the Poor} at 435

\textsuperscript{144} \textit{Ibid} at 453
“Right to Healthcare,” PIH has shown a dedication to amalgamating human rights and healthcare for over twenty years. See figure 5.1 for Paul Farmer’s suggestions on how to have health be better informed by human rights.

| Figure 5.1 PAUL FARMER’S SIX SUGGESTIONSON INTEGRATING HEALTH AND HUMAN RIGHTS |
| 1. Make health and healing the symbolic core of the [human rights] agenda |
| 2. Make provisions of services central to the agenda. |
| 3. Establish new research agenda (allocate more resources to studying underfunded health issues) |
| 4. Assure a broader educational mandate |
| 5. Achieve independence from powerful governments and bureaucrats |
| 6. Secure more resources for health and human rights |

What the founder and face of an organization says is important, but if this does not translate throughout the whole staff, then it means little in practice. Meredy Throop, Policy and Advocacy Coordinator for Partners In Health, describes her perception of the PIH’s work as seek[ing] to address the root causes of ill health by not only building local health systems that serve the poor but also in addressing the other social and economic factors that affect ill health. [PIH does] this through a focus on service, training (with a focus on medical education), advocacy (affecting the causes of ill health at a global policy level), and research and scholarship. That is really are theory of change at PIH.\(^{146}\)

This method, which PIH shortens to STAR, falls in line with the rights-based approach as it highlights the importance of advocacy, continued learning (the active nature of human rights), service (which PIH conceives of in a moralistic, dutiful way), and

\(^{145}\)Ibid at 458-463

\(^{146}\)Meredy Throop, Interview held at Partners in Health (Boston, Massachusetts: March 5, 2012)
training (which is partially concerned with empowering local peoples). Each one of these pieces receives further attention below.

**The PIH Model**

One of Partner in Health’s most fundamental values is both something they have been doing since PIH’s inception and a precursor to a RBA. Their community development model is one of the few that operates so thoroughly. Of the nearly 15,000 employees at Partners in Health, 98% are citizens of the countries in which they work. The foundation of these employees is the community health workers who, as of PIH’s *Annual Report 2011*, total 8,301 (with an additional 2,422 medical staff, and 3,805 non-medical staff). The accompagnateurs (community-health workers) are often patients turned advocates who are chosen based on their stance in the community. This model of selecting and training accompagnateurs has proven to be an integral way in which PIH both empowers, and in some ways, helps create an informed civil society. These accompagnateurs represent a breakthrough in modern-day healthcare as it allows PIH to cheaply scale up its reach in a very sustainable and community-centered way. The training manuals and workshops also make the understanding of human rights a core component of accompagnateur education. Ted Constan, Chief Operating Officer at PIH, believes that “hiring local people not only helps to build local capacity, it is also an

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147 Partners in Health, *Your Support* [http://www.pih.org/pages/your-support](http://www.pih.org/pages/your-support)
148 JG Jerome and LC Ivers, “Community Health Workers in Health Systems Strengthening: A qualitative evaluation from rural Haiti” *Aids* (September 8, 2008)
investment in the local health infrastructure and local economy.”¹⁵⁰ In this light, despite
the fact that hiring locals instead of using already established assets may take more
upfront capital due to training costs, it more than makes up for the ripple-effect it has
on the organization and target society. This intense integration of local people into their
model is a fundamental facet of the rights-based approach. While Partners in Health did
not decide upon this community-based structure in response to undertaking a RBA,
their history of its use has allowed them to transition to a rights-based approach without
having to dramatically rethink their organizational formation.

PIH is known for their commitment to the community-development model, but
this had led to many small innovations like creating educational materials that best
target populations based on culture and literacy levels. This production and use of
educational materials also predates their formal transition to a RBA, but again is very
much in line with a RBA strategy. PIH’s extensive partnerships with local NGOs and the
public sector more generally give them insight into ways to best approach communities.
One example of this is the partnership with Socios En Salud (SES) in Peru which led to
education about HIV/AIDS through games and fairs rather than standard pamphlets
and talks.¹⁵¹ Another broader way in which they try to reach more marginalized
populations is through careful scholarship that culminates in the production of context-
specific and often illiterate accessible, manuals that educate on issues ranging from the
prevention of cholera to HIV/AIDS management.¹⁵²

¹⁵⁰ Ted Constan Reply to the discussion "panel-discussion" in “Strengthening Health Systems:
The Role of NGOs” (November 7-11 2011)
¹⁵¹ Partners in Health, “On World Aids Day PIH Organizes Games, Distributes Information”
(December 7,2011) http://www.pih.org/blog/entry/on-world-aids-day-pih-organizes-games-
distributes-information/
Partners in Health’s focus on education of both rights-holders and duty-bearers has few, if any equals. Along with their continuous efforts to education those suffering from basic human rights abuses, they have engaged in an unprecedented campaign to create the next generation of health and development professionals through specialized courses hosted at Harvard (through their Global Health Delivery Project), to online panel discussions on the role of NGOs in development, to the publication of a program management guide that aims to pass on lessons to organizations in their infancy.¹⁵³ They have also developed the Institute for Health and Social Justice (IHSJ), which acts as the research and advocacy arm of the organization and also hosts a summer and school-year internship program for students to become more engaged in matters of global public health. This division of PIH has also actively partnered with PHR in the past to compose a book to act as an advocacy tool for their joint Health Action AIDS Campaign.¹⁵⁴

In addition to their education and advocacy arm, a crucial part of any RBA, Partners in Health has taken measures to expand their commitment to ensuring human rights are met in areas other than health. However, PIH has been particularly self-aware and able to recognize their strengths and, instead of taking on new initiatives outside of the health sector alone, they have partnered with other local and international NGOs that focus on those interventions, as Meredy Throop articulates:

Health is our priority intervention area and it takes really strong partnerships with education professionals, with organizations that are committed to

¹⁵³ The Global Health Delivery Project at Harvard University Courses
http://globalhealthdelivery.org/ghd-academic-offerings/courses/
GHDonline, “Strengthening Health Systems: The Role of NGOs” (September 7-11, 2011)
http://www.ghdonline.org/strengthening-health-systems/discussion/panel-discussion/
Partners in Health, “Project Management Guide” (PIH 2011)
ⁱ⁵⁴ Partners in Health, Annual Report 2001 (13-14)
microcredit, to digging wells to building latrines . . . environmental sustainability to putting solar panels on our hospitals. . . we need partners to work on those other areas. Health is really are value-added and that is where are strength and expertise lies.¹⁵⁵

One partnership particularly illustrative of PIH’s understanding of their capabilities is a new partnership with the innovative organization Two Degrees Food (TDF).¹⁵⁶ Two Degrees Food provides PIH with free ready to use therapeutic food (RUTF), a peanut-based nutritional supplement that combats extreme malnourishment, for their community health workers (CHW) in Malawi to distribute to those suffering from this health problem caused by a lack of food supply.¹⁵⁷ By partnering with TDF, Partners in Health is better able to focus on the issues they are best acquainted with, and TDF does not have to worry about distributing their product and can focus instead on their advocacy in America and finding inputs for their RUTF from local sources.¹⁵⁸

This is not to say that PIH has outsourced all efforts not directly related to health. In Haiti, where the organization is one of, if not the most knowledgeable NGOs, PIH does help peanut around 200 small-scale peanut farmers by providing them with a guaranteed market for their harvest. These peanuts, along with those harvested off their

¹⁵⁵ Throop, Interview.
¹⁵⁶ Just as a sidenote, the innovation of Two Degrees Food is underscored by the fact that the United States does not have a tax status that accurately reflects the humanitarian side of their work. Two Degrees Food is a for-profit enterprise but spends a great deal of their profit on supply of free RUTF. This type of between non-profit and for-profit enterprise is rare. Many in development work shy away from for-profit groups believing them to be subverting the idea of humanitarianism. Will Hauser, a co-founder, sees it as a way to create a more sustainable type of humanitarianism by tapping into ever-present consumerism. More information about there process can be found at their website http://twodegreesfood.com/wp-content/uploads/2011/01/1201_twodegrees_fact-sheet.pdf
¹⁵⁷ Partners in Health, “Two degrees of Separation to Ending Childhood Malnutrition” (August 8, 18 2011)
¹⁵⁸ Will Hauser and Amanda Schwartz, “Two Degrees Food Breakout Session” MCC Conference (September 17, 2011)
self-owned 30-acre farm, go to produce Nourimanba another brand of RUTF to be used within Haiti.\textsuperscript{159} Meredy Throop describes PIH’s reasoning behind this project:

“One thing [PIH] realized pretty quickly in Haiti that instead of just treating children that were dying of malnutrition, one way that we could think about preventing malnutrition is helping their parents, many of whom are small farmers access the tools, the seeds, the resources they need to farm productively and so we have a seed bank a tool bank where small farmers can share.”\textsuperscript{160}

Though PIH still focuses primarily on health this anthropological understanding of the interconnectedness of various human rights has helped to push the organization to a more formalized rights-based approach. What should be obvious from the description above is PIH model is one that resonates, and has allows resonated, with certain core aspects of a rights-based approach: level of local integration, focus on advocacy and education, empowering people to become their own advocates. However, while human rights have always been a guiding force of the organization and its leaders, the use of distinct and consistent rights-based rhetoric has only occurred in the last couple of years. The tipping-point that seemed to really push PIH to a greater commitment to the rights-based approach was the 2010 Haiti earthquake.\textsuperscript{161}

\textbf{The 2010 Haiti Earthquake: A Lesson in Rights-Based Advocacy}

In 2010, Haiti was hit with a devastating magnitude-7 earthquake that, in conjunction with at least another fifty large aftershocks, killed around 250,000 people, displaced another million, and totally destroyed the little health infrastructure that

\textsuperscript{159} Partners in Health, “The Peanut Solution” (September 3, 2010) \url{http://www.pih.org/blog/entry/the-peanut-solution/}
\textsuperscript{160} Throop Interview.
\textsuperscript{161} This point is not definitive, however, PIH’s response to the earthquake included their most ardently rights-based rhetoric. While I have no doubts that PIH was moving towards a RBA approach regardless of this event, the earthquake really tested the organization on their conception and commitment to a rights-based approach.
Partners in Health has been at the forefront of NGOs responding to the disaster. But more than just providing medical assistance to those in need on the ground, Paul Farmer and other members of their team have kept in constant contact with decision makers on Capitol Hill, which included Loune Viaud’s appeal to the Congressional Black Caucus\textsuperscript{163} and Paul Farmer’s testimony to the Senate Foreign Relations Committee on the importance of smart aid that abides by rights-based methods.\textsuperscript{164} In addition to calling for increasing the participation of Haitians in the rebuilding after the earthquake (or, in many of the cases, just building), Farmer reflects on the overreliance on NGOs in Haiti and the need to tie their work to the public sector so that NGOs will not become a permanent fixture.

In conjunction with the Robert Kennedy Center for Justice and Human Rights, PIH and other partners produced a congressional briefing on operationalizing the rights-based approach in Haiti. In it they spell out the central tenets of RBA\textsuperscript{165} and offer five ways in which the international community can proceed to rebuild Haiti with this approach in mind:

1. Channel resources directly to Haitian public institutions and ministerial budgets
2. Increase local hiring, procurement in development projects, and diplomatic operations
3. Create and utilize forum to increase transparency and participation of Haitian citizens
4. Through the 2012 Farm Bill, increase local and regional purchase of food aid and modernize food aid.

\textsuperscript{162} AP. “Haiti raises earthquake toll to 230,000” The Washington Post.\textsuperscript{163} (February, 10 2010)
\textsuperscript{163} Loune Viaud, (Director of Operation and Strategic Planning for Zanmi Lasante) “Testimony of Loune Viaud, Congressional Black Caucus (July 27,2010)
\textsuperscript{164} Paul Farmer, “Testimony to the US Senate Committee on Foreign Relations” (January 27,2010)
\textsuperscript{165} accountability, participation of host government and community, capacity-building, transparency, and non-discrimination
5. Fully comply with International Agreements on Aid Effectiveness.\textsuperscript{166}

In addition to reaching out to governments and the international community to respond with aid and debt cancellation, PIH made active efforts to engage their constituents at other NGOs like Physicians for Human Rights and the ONE Campaign in attempt to build momentum in the United States for a swift and effective response. In a memo to the ONE Campaign asking for participation in an online “Stand with Haiti” petition, Meredy Throop and Donna Barry articulated the following:

Partners In Health (PIH) and our Haitian sister organization, Zanmi Lasante (ZL), have advocated for a human rights-based approach to earthquake recovery and reconstruction. Such an approach engages and employs the Haitian people, strengthens public institutions and governance, and works not just to repair the damage caused by the earthquake, but also to address the extreme poverty and lack of infrastructure that greatly worsened the disaster’s impact and weakened the country’s ability to respond.\textsuperscript{167}

What is important in this memo is not just the advocacy, but the fact that is calls for a very specific rights-based response to the disaster in Haiti. The Haitian earthquake was disheartening for the country, but in the aftermath PIH seemed to really rethink their model in that the rights-based approach became concretely engraved into their advocacy and implementation framework.

**Limitations and Criticisms of PIH’s use of a RBA to Health**

One of the key components of Partners in Health’s model that has only been discussed tangentially thus far is their intense commitment in building up the public

\textsuperscript{166} Robert Kennedy Center for Justice and Human Rights and partners in Health, “Building Back Haiti More Justly Operationalizing a Rights-Based Approach in Haiti” Congressional Briefing (September 2011)

\textsuperscript{167} Meredy Throop and Donna Barry, “Standing with Haiti by Supporting Coordinated and Haitian-led development efforts” (January 20, 2011) \url{http://one.org/blog/2011/01/20/standing-with-haiti-by-supporting-coordinated-and-haitian-led-development-efforts/}
sector. They have come under some criticism for using this approach from human rights advocates who do not like the idea of partnering with potentially abusive governments. The most discussed partnership is PIH’s connection to the Rwandan Ministry of Health. Some offended by President Paul Kagame’s limits on civil and political rights take issue with this connection. Even is PIH does not explicitly take on civil and political rights it seems somewhat hypocritical to effectively ignore these abuses by readily partnering with a controversial president. At the very least, there could be some sort of recognition of this conflict, if not active campaigning. Kenneth Roth argues this point by claiming that

the provision of technical assistance to a government that lacks a good-faith desire to respect rights can be counter productive by providing a facade of conscientious striving that enables a government to deflect pressure to end abusive practices.\textsuperscript{168}

However, Ted Constan sees the importance of public partnerships rising above this criticism as

First and foremost, the PIH answer to today’s question is working within the public sector itself, helping to build its capacity. Our programs are embedded in the public health system, and we work in government hospitals and health centers. Building capacity within the Ministry of Health sometimes means seconding staff from PIH to work directly in the Ministry’s offices. At other times, we provide direct investment in the form of tangible support to the Ministry, for example, to buy computers, or to rent space for meetings. With added human bandwidth, we help officials with planning exercises.\textsuperscript{169}

Meredy Throop confirms the value of this approach as building up the public sector builds capacity that would not occur if an organization was simply to apply a foreign solution.\textsuperscript{170} Both Throop and Constan discuss the use of salary top-offs to help ensure

\begin{itemize}
\item \textsuperscript{168} Roth, \textit{International Human Rights Organizations} at 67.
\item \textsuperscript{169} Constan, \textit{Panel Discussion} 138
\item \textsuperscript{170} Throop, \textit{Interview}.
\end{itemize}
local clinics are well-staffed as one potential intervention at this level.\textsuperscript{171} Building the public sector is especially important in regards to future implementation of rights-based law because human rights declarations put the responsibility of protection on governments even when the public sector is hugely under resourced. PIH’s insistence on public sector development is not the norm as humanitarian organizations tend to favor local NGOs or civil society groups as ground-level implementers. This is perhaps the most contentious aspect of PIH’s rights-based approach and at this point it is impossible to say whether this will eventually become more present in RBA implementation or remain the exception. However, no matter if this catches on in the development community it is unlikely to change within PIH as Paul Farmer firmly believes that

\begin{quote}
The swelling ranks of NGOs can be good, [they] can bring good consequences. But is it really the long-term strategy for dignity and rights? And the answer is no; the long-term strategy is that people know they have certain rights . . . NGOs are great, but we NGOS are not going to solve the problems of the poor.\textsuperscript{172}
\end{quote}

**Conclusion**

This chapter has attempted to show not only how Partners in Health conceives of a rights-based approach, but that in terms of actual practice, they have implemented many of the aspects of RBA before formally adopting this approach. This is not to say that PIH is the perfect model of RBA. The organization at large could use human rights language more despite Farmer’s insistence that “public health people don’t like human rights language very much. They prefer public health language.”\textsuperscript{173} In addition the PIH

\begin{flushleft}
\textsuperscript{171} Constan, *Panel Discussion* 138
\textsuperscript{172} Throop, *Interview*.
\textsuperscript{173} Farmer, *Partner to the Poor*, at 568.
\textsuperscript{173} *Ibid*, at 567
\end{flushleft}
approach may not be easily transferrable to NGOs that make human rights other than
that of health their main focus, or to groups with a universal scope, rather than one
focused in a dozen countries. However, looking at PIH’s model helps show what a RBA
can mean in practice, where it needs improvement, and how a RBA’s implementation
through development organizations can supplement the work of international human
rights groups.
Chapter 6: Oxfam America and the Limits of a Rights-Based Approach

Oxfam America (OA) began in the 1970s in response to the fight for independence in Bangladesh which had resulted in a major humanitarian crisis.\textsuperscript{174} What started as three underpaid staff members operating out of a church basement has grown into one of the world’s most well-known humanitarian organizations with an operating budget of over $75 million ($700 million, when combined with affiliates) and a staff of over three hundred.\textsuperscript{175} Kimberley Miller, Program Coordinator in Learning, Education and Accountability Department of Oxfam America, says that despite this growth “the core [of Oxfam] has stayed the same, even if the tactics changed.”\textsuperscript{176} In the beginning, OA approached their attempts to build lasting solutions to poverty and injustice by deciding not to take government or large organization grants so as to remain independent of donor control. In addition OA decided to appeal for support of their programs through a thought-provoking rather than condescending emotional appeal, chose not to raise money for disaster relief, and decided that their grants would focus on modeling small projects that could be replicated.\textsuperscript{177} As this chapter shows, Oxfam America has, to some extent, changed their tune on these premises. One of the biggest

\textsuperscript{174} Kellogg School of Management, “Food Aid Project: Oxfam Fact Sheet” (Northwestern University: March 2006)
\textsuperscript{175} Laura Roper, “Introduction” in Change not Charity: Essays on Oxfam America’s First 40 years Laura Roper, ed.(2010): 16
\textsuperscript{176} Kimberley Miller, Interview at Oxfam America (March 13, 2012).
\textsuperscript{177} Robert C. Terry, “From Church Basement to the Board Room: Early Governance and Organizational Development” in Change not Charity: Essays on Oxfam America’s First 40 years Laura Roper, ed.(2010): Chapter 2.

Kellogg School of Management, \textit{supra} note 160.
way in which OA saw change was through their shift to a rights-based approach for their major programs.

Their adoption of a rights-based approach to development required substantial change both on a principle and structural level. Oxfam America is often said to be one of the early-adopters of a RBA to development, and though this is true in terms of organizations that spoke out in favor of RBA early-on, their conception of the rights-based differs in important ways from theoretical definitions. This section aims to reveal Oxfam America’s interpretation of RBA as a way to show both the differences between theoretical and practical implications of RBA and practical distinctions from other versions of RBA implementation. In addition, this section will consider whether or not these differences produce a broader understanding of what RBA can mean or if instead illustrate a negative breakdown between theory and practice.

**A Rights-Based Approach for Oxfam America**

In the late 1990s Oxfam International (OI)\(^{178}\) and their affiliates met to reexamine practices in order to be most effective in the coming millennium.\(^{179}\) While the reflection showed that Oxfam's practices had been largely rights-based, with an emphasis on social, economic and cultural rights, Raymond Offenheiser, current president of Oxfam America states that:

> rights had never been articulated as the overarching framework for our development practice. The funding portfolio of Oxfam field offices contained a wide range of programs, from social service delivery to hard-edged human rights work, but the concept that people have basic rights to livelihoods, social services,
security, voice, and protection from exclusion had not been fully thought through and developed.\textsuperscript{180}

With an understanding that the rights-based approach was the most effective way to comprehend development work, Oxfam International and their affiliates decided to make a formalized declaration to this approach in order to shift away from their inconsistent earlier practices.\textsuperscript{181} This was codified in a four-year strategic plan “Towards Global Equity” which aimed to attack the structural causes of poverty and injustice through the adherence to a rights-based approach.\textsuperscript{182} Oxfam America’s definition of a RBA falls in line with a standard humanitarian organization’s definition:

Oxfam believes that human beings’ inherent dignity entitles them to a core set of rights that cannot be given or taken away: it works to empower communities and individuals to know and claim their rights, it identifies those responsible – legally or morally – for respecting, protecting and fulfilling people’s right, and holds them accountable for their responsibilities; and it recognizes the multi-level nature of rights obligations and violations, and the need to address them systematically and strategically.\textsuperscript{183}

Though their RBA-definition may not be radical, their move to a RBA framework has been a complex transition for Oxfam America as it required the organization to develop a new understanding of their work at the philosophical and organizational levels. In order to best combat this hurdle Oxfam America developed a series of reports and models to help proliferate an understanding of the rights-based approach to their

\textsuperscript{180} Ibid, at 269 (This comment was made with specific reference to Oxfam America’s practices, but was found true for other affiliates as well)
\textsuperscript{181} An additional impetus for Oxfam early-adoption of a rights-based approach to development may be due to Amartya Sen’s position as an honorary president.
\textsuperscript{183} Jude Rand and Gabrielle Watson, “Rights-Based Approaches: Learning Project” (Oxfam America and Care: 2007): 5.
extensive staff.\textsuperscript{184} This transition to a RBA seems to have taken much more effort on the part of Oxfam than Partners in Health in part because PIH already had a community-based standard built into their model and primarily just needed to change their rhetoric, while Oxfam had many structural barriers to overcome.

Susan B. Holcombe, program director at OA during the transition, discusses many things that changed through the course of the move in her chapter “Structuring a Global NGO for a Rights-Based Change Agenda.” In her opinion things “decisions on grant making were highly centralized” which led to field staff often being neglected.\textsuperscript{185} One example of a change that occurred in response to RBA was OA’s conception of regional managers. Dual regional managers (at both the Boston office and the region) caused a lot of overlap and inefficiency in grant allocation.\textsuperscript{186} This duplication of roles ended when Oxfam America moved to RBA and additional autonomy was granted towards regional offices.\textsuperscript{187}

However this shift to a RBA also led to an end of programs in the more costly target areas like India and the Horn of Africa and to more stringent standards of partnership.\textsuperscript{188} With their \textit{Partnerships for Impact} Oxfam America redefined who could be a partner in order to make their “three programmatic legs” of global programs, policy work, and education/outreach more aligned with each other toward common objectives. This was an attempt to form broad agendas from the collective responses of partners by ensuring that local partnerships would be able to contribute to an overarching agenda.

\textsuperscript{184} \textit{Ibid}, at 278
\textsuperscript{186} \textit{Ibid}, at 366
\textsuperscript{187} \textit{Ibid}, at 389-390. 1
\textsuperscript{188} \textit{Ibid}, at 389.
While to some degree this change in partner policy was a positive change for OA, as it made its sometimes scattered and schizophrenic projects more cohesive, it at times has led to these partnership decisions being based on what Oxfam America wanted to accomplish in an area and not necessarily what local people wanted to address most.\textsuperscript{189}

In this respect, OA may deviate in some from a standard RBA model. Kimberley Miller disagrees as she believes that “in practice [RBA] is an approach it is not a toolkit its not like you follow steps A, B, and C and then it equals rights-based approach . . . you can work with different approaches simultaneously.” Her reasoning is that no one approach is perfect in every context and by applying RBA only to long-term programs OA develops a sense of cohesion, but allows for other methods to be attempted in shorter projects. Kimberley Miller’s claim that “you cannot be a theoretical or moral purist in development work”\textsuperscript{190} certainly makes sense at some level. However, at the same time it is difficult not to question an organization that so adamantly declares itself to be using a certain approach, when it often deviates. Eloisa Devietti, a program associate on Oxfam America’s community finance team, gives an example by citing OA’s “Saving for Change” project as one that, though certainly beneficial to those borrowing microloans, did not fully embrace the rights-based approach. In her opinion “Saving for Change” was “80 percent RBA” but was missing a key advocacy component.\textsuperscript{191}

Though this spectrum understanding of RBA may be confusing at first, it does allow for Oxfam America to attempt different tactics so as to always be learning from its projects.

\textsuperscript{189} Barbara P. Thomas-Slayter, “Perspectives on Oxfam America’s Partnership Model” in \textit{Change not Charity: Essays on Oxfam America’s First 40 years} Laura Roper, ed. (2010): 82. This will be discussed more later through a look at their trade and coffee initiatives.
\textsuperscript{190} Kimberley Miller, \textit{Interview}
\textsuperscript{191} Eloisa Devietti, \textit{Interview at Oxfam America} (March 13, 2012).
This is not to say that OA is faulty in claiming to be rights-based, all of their long-term programs do try and abide by this model. Devietti clarified by making the distinction between programs (or campaigns) and projects:

To us a program is something that is 15 years that has a clear strategy is rights-based. Anything that is not rights-based we call it a project [or initiative, pilot projects]. So within the rights-based program we can adopt things that are not rights-based, we just call them something else.\(^{192}\)

This is certainly controversial. The argument that having inconsistent models can weaken an organization’s credibility is valid, but to some extent it is a political move on Oxfam America’s part. Kimberley Miller explains by saying OA “[is] also following the money, we have all these projects that are not rights-based because we got funding for them.”\(^{193}\) With limited resources and a wide swath of issues OA’s selective application of RBA in order to better ensure they reach the most people seems justifiable from an organizational perspective, but does this end up costing Oxfam America more than it gains in additional funding? One way to see what this understanding of a rights-based approach means is to look at a specific issue Oxfam has undertaking and evaluating its accomplishments and failures. Their “Make Trade Fair” campaign was one of the most comprehensive OA has dealt with in recent years. Within this larger program was their Ethiopia/Starbucks campaign which has been hailed by them as one of their biggest recent wins.\(^{194}\) However, others do not fully agree. This campaign highlights both the positives and negatives of this spectrum understanding of a rights-based approach.

\(^{192}\) Ibid
\(^{193}\) Kimberley Miller, Interview
Oxfam, Ethiopia, and Your Daily Cup of Coffee

In 2002 Oxfam International and 13 affiliates launched the “Make Trade Fair” campaign as a way to empower farmers in developing countries.195 With the publication of “Mugged,” Oxfam International laid out a “Coffee Rescue Plan” which was an attempt to make trade policies more equitable through a combination of local, national, and international forces.196 Mugged looked at the effect of the coffee industry on all aspects of life in developing nations and how a strategic plan could make the market more just.197

This publication eventually led to Oxfam America’s campaign to pressure Starbucks’ into supporting an Ethiopian trademark on certain coffees.198 Throughout the course of the campaign their message went viral and led to a day of action which mobilized activists, Starbucks’ costumers, and eventually culminated in a deal between the Ethiopian government and Starbucks. 199 The reason why this case provides interesting insight into Oxfam America’s use of a rights-based approach is because it has been touted as one of their most successfully RBA programs, but fundamentally stands in contestation to many of the aspects of a rights-based approach. This section is not to

195 Julia Westhoff, “Oxfam vs. Starbucks: The Battle Over Fair Trade” (2008):1. This paper will not go into great detail about the relative merits of free trade as it is far too large a topic to be covered adequately here.
197 Ibid, 3
The main reason for targeting Starbucks was that they relied heavily on Ethiopian coffees as a branding tactic. Basically, they charged double for Ethiopian coffee and portrayed Ethiopian coffee as superior, but did not provide additional compensation to Ethiopians.
deny the worth of the outcome (though there are plenty of people that are unhappy with this so-called success), but to show how Oxfam America implements their version of a RBA.\(^{200}\)

In 2006, Care and Oxfam America collaborated on a project to evaluate several programs on their adherence to a rights-based approach framework.\(^{201}\) Out of a possible score of 40, the Ethiopian Coffee Campaign scored highest with a 31 which represented a 78% alignment with essential elements of a RBA.\(^{202}\) Though this report does bring up some criticisms of the Ethiopian campaign, overall it endorses this project as one to be praised.

However, while this campaign was certainly successful in its goal to change policy in a way that should improve the economic rights of farmers, its mobilization of the international community, and its holding of stakeholders accountable on this issue (in this case Starbucks and the Ethiopian government).\(^{203}\) Its failures do not bode well for the future of RBA implementation via Oxfam America.

One of the biggest failures of the campaign, with respect to adherence to a rights-based approach was its overt focus on OA and not the Ethiopian farmers themselves. Instead of empowering these farmers to be there own advocates, Oxfam spent most of


\(^{201}\) Ibid, at 171

\(^{202}\) Ibid at 15

\(^{203}\) Ibid at 53
their time and resources mobilizing American citizens. While this is understandable insofar as Starbucks was more likely to respond to actual consumers of their coffee than non-consuming farmers, it perpetuates the white-man’s burden/Africa needs saving mentality that fundamentally undermines a true rights-based approach. If these farmers had at least gained skills in advocacy through this venture, despite more media attention on other actors, then that would have at least been a step in the right direction. However, it is unclear if even this was achieved.

In addition to failing to adequately build up the civil society groups OA often claims to support, the campaign did not focused on some of the most marginalized people within the Ethiopian coffee industry: women who are denied membership into the coffee cooperatives that had any kind of say in this campaign. This violates the principal of non-exclusion as women were simply not allowed to take part in any of the trainings offered by Oxfam.

Also, was coffee really the most important issue to Ethiopians? Or was this a way Oxfam selectively choose their partnerships in order to fit into their personal organizational goals (in this case the Make Trade Fair Campaign)? While Oxfam America is certainly free to develop their own agenda there is something unsettling about choosing the issues they want over potentially more important human rights violations. However, even if the coffee industry was the most important issue, or even just a major one, Oxfam really missed an opportunity to help Ethiopians gain tools to be their own champions. In addition, they did not draw a strong connection between the coffee campaign and how it related to umbrella issues like poverty and human rights.

204 Oxfam International, Starbucks Campaign
205 Rand and Watson, Rights-Based Approaches, at 53
206 Ibid, at 54.
These are just a few of the many complaints against the Ethiopia campaign, but they are illustrative of a larger ill present in Oxfam America’s use of a RBA. Did Oxfam America achieve some important goals through this campaign? Absolutely. Not only was the Ethiopian government able to strike a deal with one of the world’s most popular coffee changes, but the larger Oxfam campaign “Make Trade Fair” helped set the stage for other major retailers – like Dunkin Donuts and Peet’s – to use free trade coffee.\textsuperscript{207} However, the rights-based approach is not supposed to be a purely results tested approach, but focused on the process. By failing to accurately build up local right-holders Oxfam America failed at what is one of the most central tenets of RBA: empower the people. OA masks this failure by playing up the achievements and by trying to push this idea of the rights-based approach as being fluid. But this argument for one program being more rights-based than another is dangerous. While a rights-based program may fall short of certain expectations and illustrate room for improvement, by claiming RBA can be seen on a spectrum OA dilutes the potential impact of a strong rights-based framework. While it is certainly possible that OA is experiencing some “growing-pains” in their move towards a rights-based approach, their position as one of the RBA poster children puts them in a position of extreme importance in perpetuated this approaches legitimacy. By failing to acknowledge their failures in a meaningful way, but at the same time claiming a dedication to the RBA, they stand to severally tarnish its reputation.

\textbf{Conclusion:}

Though Oxfam America’s duplicitous approach to development through intense international advocacy and community support has its advantages, the problems with

\textsuperscript{207} \textit{Ibid}, at 52
trying to cover so much ground on so many issues on a global level has led to them
spreading their reach too thin more often than more focused organizations. Eloisa
Devietti’s claim that Oxfam America “might be spread a little too thin” is an
understatement. By taking on such a panoply of issues, both big and small, they run
the risk of not being fully effective on any issue.

While Oxfam’s local projects may have empowered people to make a life for
themselves at some level, so much of their resources are dedicated to building
constituencies in America and educating these people on human rights issues. While
this is an important part of the rights-based approach, their focus on international
advocacy is mainly perpetuated by their experts, and often celebrities. This seems to
stand in contrast to the rights-based approach of making men and women claimants.
There are many more frustrating aspects of the Oxfam America model in regards to their
implementation on RBA, but suffice to say that their interpretation is weak on some key
components. This is not to discount the work they do, but to argue that perhaps they
should continue what they do well (whether that be advocacy, education of Americans,
or possibly disaster relief) without claiming that their work is inherently rights-based.
This goes back to the distinction between a rights-based approach and rights-based
strategies. Oxfam America certainly used the latter, but their implementation of RBA
calls into question whether the really are adhering to the former. The answer is far from

208 Devietti, Interview
209 Bell and Carens, Ethical Dilemmas of International Human Rights at 309
210 Oxfam America, “Financial Information” (2009)
http://www.oxfamamerica.org/whoweare/financial-information
211 Oxfam America, “Global Ambassadors Program” (July 23, 2007)
clear. Some may interpret RBA to allow for some fluidity in implementation, others might see that as a perversion of what RBA is supposed to mean. Regardless, the Oxfam America case begs for further research on what RBA means in practice and shows holes where increased attention needs to be paid.
Conclusion

The majority of international development practitioners may now recognize that charity alone is not the answer, but the question of what is the answer still evades even the most informed people and organizations. The rights-based approach is an attempt to change the narrative of development work into something that is more about cooperation between the rich and poor nations then cleansing our own consciences by donating money to helpless residents in trapped nations. But there is still a long way to go before development and human rights organizations alike operate in a way that best moves this world closer to the utopian ideals codified in the Universal Declaration of Human Rights. The rights-based approach is just one of the latest advancements in the development field, but its theory and practice do show promise for growth by addressing the needs and abilities of the world’s most marginalized peoples.

The previous two chapters have looked at how two distinct organizations—Partners in Health (PIH) and Oxfam America (OA)—have or have not implemented a rights-based approach to the work they do. Though each organization could be looked at much more thoroughly with respect to RBA, some important develop from the comparison.

1. What is more important, RBA rhetoric or strategy? Between these two it seems that OA employs human rights rhetoric more while PIH does a better job at adhering to a rights-based strategy.

2. Can a rights-based approach be applied in every sector of development work? Is it more likely to be successful if it is applied to the achievement of specific human rights goals (like health in PIH’s case)? Can it even be well-
implemented in an organization that takes on a multitude of issues (as in OA’s case)?

3. In the ever-present delegation of resources struggle between advocacy and development projects, what is the right balance under a RBA?

4. Can humanitarian NGOs (like OA and PIH) really forward human rights on a practical level? Does this even matter if human rights law does not continue to be strengthened?

While obvious problems with PIH and OA’s use of a RBA exist, one hope of this paper is that properly identifying these problems, both now and in the future, and increasing partnership with other like-minded organizations will lead to better implementation of a RBA so that their idealistic goals are more likely to be achieved. However, contrasting PIH with OA hints at the possibility that effective use of RBA practice may mean more than using human rights language. Though more research needs to be done, based on the information compiled here it seems that PIH is far better at empowering the people most affected by human rights abuses than OA, and though this is only one tenet of the rights-based approach, it is one that should be of upmost importance.

Though the rights-based approach calls for constant evaluation of the work organizations undertake, there has not been enough effort on this front which is critical if strategies are to be improved. Perhaps a third-party evaluator of the RBA practices of organizations would be helpful here. If an evaluation system was set up to ensure that RBA was implemented effectively, organizations would not only improve themselves but would be better positioned to provide other groups with a roadmap for their use of this
approach, human rights organizations may prove to be especially useful on this kind of undertaking.

Connecting human rights and development organizations in a more effective way is critical to both their effectiveness and to the efficacy of the rights-based approach. These organizations often operate in the same geographical locations and are increasingly dealing with the same issues. Rather than duplicate each other’s work, it only makes sense to save time and resources by becoming more attuned to one another’s campaigns. At the very least these groups could be better at standing in solidarity on issues of mutual concern in order to form a more effective advocacy polity on the international stage. If human rights organizations are really about norm-setting and development organizations are really trying to be advocates for the developing world, than partnership at the international level at the very least should occur.

This paper has tried to place the rights-based approach to development in both a historical framework as well as a practical one. To come to a full-fledged conclusion on whether a rights-based approach is indeed a positive step for the development and human rights communities would still be premature. What is obvious is that if those two fields are going to interact in a positive way through this approach, then there needs to be much more research done on how to best implement a rights-based approach and a way to evaluate an organization’s use of RBA in a systematic way. It is the recommendation of this paper that more studies be done by impartial third parties on an NGOs implementation and adherence to a rights-based framework. There also needs to be substantially more dialogue between human rights groups and humanitarian NGOs. If the problems with the rights-based approach in practice are lessened, it is possible that these divergent groups could converge and further both of their agendas.
The rights-based approach sees development as a subset of human rights work, so if it is to be an effective strategy, both fields need to present a unified front.
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