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viewpoint

Rights or values?

The world has discovered rights. Or has it? NGOs, official agencies and academics are enthusing about the rights based approach to development. The rights approach cannot be criticised. There is so much interest in rights based approaches that we are dedicating this issue of *ontrac* to some aspects of the debate. What is of concern is the unquestioning attitude of much of the literature, 'loose talk' in agencies and the apparent lack of rigour. It should be incumbent upon us all to put the rights based approach through the normal review that we would expect of any development approach. The unquestioning acceptance of concepts such as the rights based approach does little to allow us to develop genuine participatory development, unless we are clear what we mean.

Some have taken the rights based approach as a purely legal concept that entails sovereign states to pass certain designated rights for their citizens into national law. Although there are increasing attempts to internationalise law, the lack of means of compliance, with a few exceptions, such as the new International Criminal Court, mean that laws are still based on the power of the state to ensure observance and punish transgressors.

After all, rights are based on legal conceptions and definitions, so if a legal approach is taken to rights it is doubtful whether many of the development rights claimed by the international community can indeed be considered rights. Are rights 'rights' if no one has the obligation to uphold them? Or, as many countries claim, is there no realistic chance of meeting such nominal rights due to economic or other constraints? Proclamations at international

conferences of economic, social and cultural rights such as livelihoods, education, health and shelter are barely worth the paper they are written on as they are not enforceable in the absence of a credible duty bearer.

For many civil society organisations, including NGOs, the acceptance by official agencies of rights based approaches was welcomed. It seemed compatible with beliefs and the ideals many have argued for over the years. However, there is a conceptual confusion between self-imposed moralities and those legal rights that, in theory at least, stand above personal values, moral convictions and duties. Many in the 'value driven sector' have confused their values with rights. This is dangerous as it lulls us into thinking that rights are a reality when they are clearly not. This is especially true when many governments do not accept their obligation to uphold the grand statements of the international community even where they have ratified treaties. Also, it is dangerous as it obscures the fact that most rights and values are not universally held, leading many to attack such ideas as merely a new form of neo-colonial, ethno-centric imposition from the North.

The hesitation by some faith organisations about rights based approaches illustrates they too are driven by their own value systems. Although they may wish to spread those values, this is with the recognition that they are indeed the product of faith rather than universal legal precepts. Indeed, many faith organisations are unhappy about equating faith based values with rights, as this could reduce their values to secular law. Ironically, it is fundamentalists of different persuasions

In this special issue on rights and development: Brian Pratt explores the absence of critical analysis within the 'rights' debate, John Beauclerk gives an insight into the implications of adopting rights approaches and Jerry Adams explains current moves towards including rights discourse in monitoring and evaluation. Rob Williams explores the experiences of Concern Worldwide's engagement with rights and development in Cambodia, Barbara Brubacher analyses the importance of development-centred rights in Palestine and Octavio de la Varga Mas explains Oxfam International's interpretation of rights within development. Finally Ele Fisher and Alberto Acre examine the ramifications of rights issues for the Mapuche in Chile.

Readers are invited to contribute comments on the themes debated in *ontrac*. INTRAC reserves the right to edit letters for brevity. Contributions can be sent to: The Editor *ontrac* INTRAC, PO Box 563, Oxford OX2 6RZ, UK Email: e.harris-curtis@intrac.org

that believe the state should be subservient to religious control. Therefore, if values or moral duties are what really drives rights based approaches then it follows that these should not be treated as universal. Instead they should be recognised as a matter for individual belief and choice. Furthermore, nor can we argue that civil society organisations (CSOs) and NGOs are duty bearers excepting in their own self-defined terms.

It could be argued that the rights based approach, therefore, is no more than a

metaphor; a concept that catalyses a set of values into a phrase that many people can adopt and adapt. It is a general statement in favour of equitable development, involving widespread participation of those with no direct control of, or access to, the power of the state. In this case it may be acceptable to support a rights based approach as a means of moving forward in development. If we still take rights as a legal concept then much of what passes as rights based is unlikely to be successful because there are often no state bodies committed to meeting the obligations implied. There is also a sense in

that the 'emperor has no clothes' as there are too many people arguing about the details of what a rights approach should be and how it should be operationalised. Meanwhile, this is happening in the absence of any clear idea of what it is they are engaging with.

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INTRAC's Fifth Evaluation Conference

Kontakt Der Kontinenten, The Hague, The Netherlands

Monday 31st March – Friday 4th April 2003

80 - 120 participants

Final Registration Deadline: 14th February 2003

The objective of the conference is to examine the tensions created by the pursuit of performance assessments and the encouragement of beneficiary-based evaluations. On the one hand there is a strong effort to enhance performance and impact measurement of outcomes that are difficult to measure, on the other hand is the desire to enhance participatory processes that call for multiple voices to be taken into account.

INTRAC wishes to provide a forum during which policy and practice can be examined together. We seek to achieve a representative balance between geographic regions and different types of organisations and individuals. In order to do this we are commissioning contributions that reflect on real examples of both the tensions created and solutions found. The conference will provide an opportunity to share understanding about the role of measurement in management, as the importance of both is evolving.

For full details, please contact Ceri Angood, Conference Organiser. Email: c.angood@intrac.org

new publication

What Makes CSO Coalitions Effective?

Lessons from Malawi

Rick James, Occasional Papers Series no. 38, September 2002, ISBN 1-897748-68-X £8.95 + postage and packing.

Coalitions of Civil Society organisations (CSO) are increasingly viewed as critical vehicles for civil society to become effectively engaged in policy advocacy and holding governments to account. Coalitions can have more impact than individual organisations. While this theory is sound, the reality is very complex. CSO coalitions are both fragile and volatile and, as a result, are notoriously difficult to manage over a sustained period.

This publication analyses three emerging CSO coalitions from the context of Malawi. The book explores what makes them effective. The consequent lessons about purpose, membership, governance and strategy are highly relevant for CSO coalitions in many parts of the world. The paper highlights the implications of these lessons, both for CSO members, as well as coalition donors. The publication concludes with an analysis of six key strategic choices that all CSO coalitions constantly grapple with. This knowledge will help us better support and manage such complex, yet vital, organisations.

For further information about INTRAC's publications, please contact Carol Beaumont

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Rights or Needs?

Rights based approaches are now entrenched in development thinking, however the question remains as to how much they have affected practice. Have official donors and NGOs changed the process of their development activities? More importantly, has the rights approach made any difference to the vulnerable groups it is intended to benefit? Is there, in fact, anything new about the approach? Or is it merely a sophisticated way of dressing up the 'classical' NGO approach to social development?

One of the original rights based NGOs is Save the Children. In the early 1920s its mission was to establish specific rights for children within international law and 'labour for their universal recognition' (Jebb 1923). This made sense in a positivist age when states had the power to implement any reforms that they chose to adopt. The current, very different situation, finds the state promoted as regulator and facilitator rather than enforcer, raising the question of who now carries the responsibility for guaranteeing rights.

Increasingly, states are passing service delivery to NGOs and the private sector. In so doing does the state also pass the duties implicit in the implementation of rights? A number of children's NGOs have accepted the moral obligation of duty bearers, although who holds them to account is unclear. Amongst them World Vision and members of the Save the Children Alliance have reformulated their approaches since the 1990s. For example, for Save the Children Norway this resulted in 'a change of orientation from being a development organisation concerned about children to becoming a child rights organisation concerned about fulfilling children's rights through development' (Kramer 2002). In other words the human rights legislation that underpins the rights based approach has increased its profile just when the primary agent with the responsibility for enforcing observance, the state, is much less able or willing to do so. Yet more complicated is when rights are denied at the behest of powers beyond the state itself. For instance, when IMF conditionally obliges states to curtail health and education services, or impose charges

that exclude large numbers of vulnerable people. In this case who is the duty bearer?

Which Rights?

Another factor undermining the ability of states to guarantee its citizens' rights is the selective application of different rights by different states at different times, primarily for ideological reasons. Thus, during the Cold War the world was divided into champions of civil and political rights on the one hand and collective rights on the other. The outcome of this freedom *versus* well-being dichotomy is still being played out across the former communist world, where rights based approaches still tend to adopt a crusading zeal in which collective well-being is not allowed to stand in the way of individual rights and freedoms.

Approaches that favour rights over needs (or *vice versa*) undermine practice. Romania is an example of a weak state with limited capacity to guarantee even the minimum rights of its citizens, especially those of some 100,000 institutionalised children who are denied the right to a family environment. Domestic NGOs such as Save the Children Romania, which responded to new Alliance policy by moving out of service provision in favour of rights, have successfully lobbied the European Parliament to make Romania's accession to the EU conditional upon the realisation of this right.

The unforeseen consequence of this outstandingly successful campaign is that the state authority set up to achieve the reform of child care has become so politicised, and is under such pressure from ministers, donors, media and other power brokers, that it is incapable of achieving the most basic tasks in this direction. Instead of providing the strategic vision that could enable local authorities, NGOs and communities to combine efforts on the reform of the child care system the authority is gripped by paralysis. Despite the expenditure of millions of Euros and troops of external consultants, there are more children in institutional care in Romania today than in 1990!

Another case in point is the approach to the widely flouted basic human rights of Eastern Europe's Roma population. Over the last decade an extensive infrastructure of

human rights organisations has developed across the region. Secured by funding from a combination of US Foundations, EU sources and western European NGOs, these centres have made a major contribution to monitoring and reporting abuses against individual Roma and taking their cases, where necessary, to international courts of human rights. As a result no government in the region can claim ignorance of the importance placed by the international community on minority rights. Despite this, the conditions of millions of European Roma remain stubbornly at odds with their basic rights to security, livelihood, health and education. Governments have become adept at engaging in dialogue with representative groups, developing common frameworks, accessing donor resources and implementing projects, yet avoiding substantive change. Privately, Roma negotiators complain of a development crisis for the Roma, while elsewhere, especially amongst their donors, their rights based movement is heralded as a major success.

Therefore, it is clear that rights based approaches are neither entirely new, nor a panacea to long-standing development challenges associated with vulnerability and marginalisation. Occasional unforeseen consequences can even impede essential reforms. To prevent this it is essential to ground rights based approaches in comprehensive programming and to maintain a balance between rights and needs and between advocacy and service provision. This is the conclusion that Save the Children Norway has reached, after five years of experimentation. It, 'regards rights based programming as a powerful tool, as it forces organisations to assess the strategic mix between advocacy and service delivery in a concrete context' (Kramer 2002).

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Monitoring and Evaluation of Rights Based Approaches

With the new emphasis on mainstreaming a rights based approach development practitioners are increasingly questioning how best to monitor and evaluate these rights approaches.

This article uses Hausermann's definition of a rights based approach(1998):

'A human rights approach to development stresses liberty, equality and empowerment. This approach:

- ▲ puts people first and promotes human centred development;
- ▲ recognises the inherent dignity of every human being without distinction;
- ▲ recognises and promotes equality between men and women;
- ▲ promotes equal opportunity and choices so that everyone can develop their own unique potential and have a chance to contribute to development and social progress;
- ▲ promotes national and international systems based on economic equity, equity in the access to public resources and social justice;
- ▲ promotes mutual respect between peoples as a basis for peace, justice, conflict resolution and sustainable development.'

At present, there is considerable discussion of what constitutes a rights based approach to monitoring and evaluation. Many agencies are already developing monitoring and evaluation systems to address the issues of accountability and learning. It is encouraging to note the changes made since the Development Assistance Committee Report (1997) on Impact Assessment which had noted too much evaluation data focused on activities rather than outcomes or impacts, with few links between data and conclusions.

These changes have led to substantial progress being made in addressing issues concerning the quality, participation, appropriateness and use of evaluations. Therefore, in the light of these positive changes, the question of what actually constitutes a rights based approach to evaluation is important. Is it simply good evaluation practice? Or does a rights based approach to evaluation have certain characteristics essential and additional to those of normal good evaluation practice? To address this question four issues need exploring:

1. What is Assessed?

In looking at the monitoring and evaluation

of rights based approaches it is clear that an assessment must focus on the people involved. How they are able to assert their rights and what those rights are is intrinsically important to the process. It is essential therefore to look at changes in attitudes, practices, knowledge, sense of worth and confidence as well as interactions with other groups, especially power elites. Also, the link between freedom and responsibility needs clarification for assessment purposes. It is clear that these changes are primarily qualitative; though they will also have quantitative elements. The qualitative nature of the information will be context specific and change will need to be examined in both positive and negative forms. Similarly, anticipated and unanticipated changes caused by interventions need to be evaluated.

2. How are Rights Based Approaches Assessed?

It is vital to focus on people's knowledge, attitudes and practices. This demands tools and approaches appropriate to both the people and the qualitative information required. Qualitative data collection approaches take skill to develop and use. They need to be chosen carefully and systematically to ensure that they are appropriate to the specific situation and needs and that potential biases in the use of one tool can be offset by the use of others, using triangulation.

An important area to address will be the effect of rights based advocacy. This will need to monitor the effect of the implementation of a rights based approach. An example of this could be the monitoring of public sector budgets to see what is allocated to education or health specifically in favour of the poor.

The challenge in looking at how we are assessing rights based approaches will be to ensure that enough information is collected for the data to be credible without building a system that is unsustainable. This is where the triangulation needs to be applied in the form of people, sources and instruments. Similarly, it is essential to consider the involvement of different stakeholders in the process and to ensure that the outputs and results are believable for them, in order to ensure their ownership of both the process and the product.

3. Who is Involved in the Process and When?

In traditional development projects and

programmes, monitoring and evaluation systems are usually designed by a few people. As such, there is often not a sense of ownership or active involvement by other stakeholders. In adopting a rights based approach to monitoring and evaluation an important difference is that it needs to be consistent with the rights dialogue. Putting this into practice means the process of developing, managing and using the monitoring and evaluation system will be different; it will need to involve all of the stakeholders through fully participatory processes that address their rights. The challenge here is to assess what types of participation are necessary and achievable in developing a rights based system. Furthermore, it is also important to recognise that the nature of participation evolves over time and is often context specific.

4. How is the Information Used?

Many evaluations produce a report primarily focused on the needs of one or two stakeholders. In adopting a rights based approach to monitoring and evaluation, the ownership and accessibility of information will need to be open to all stakeholders. This has implications in terms of the form and type of information since stakeholders have different needs.

Rights and Monitoring and Evaluation

It is clear that a rights based approach to monitoring and evaluation has similarities with current approaches. It also uses primarily qualitative information, focusing on changes in attitudes and practices. There are, however, major differences in the ways that the process of carrying out monitoring and evaluation should be integrated with rights issues. It is not just that participation is vital, but that concentration on economic, social and cultural rights is explicit within that participation. Furthermore, there needs to be space for people to learn at different times and in different ways.

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Community Forestry in Cambodia

Right now the finishing touches are being put to the Royal Government of Cambodia's new Sub-decree on Community Forestry. This new law provides legal protection of the rights of Cambodian farmers to manage the traditional forests surrounding their villages. The recognition of these rights will, no doubt, bring dramatic benefits to millions of rural Cambodians who often feel powerless to resist the rampant deforestation that is destroying their livelihoods.

Is this a major success for the rights based approach to development? Concern Worldwide, the NGO that funded and advocated for the drafting of the Sub-decree, began its forestry work in Cambodia with a very different agenda. This is an example of how a small village-focused programme encountered a blockage that could only be solved by focusing on economic and social rights.

As Cambodia began to emerge from the shadow of civil war in 1992, one of the challenges facing the country was the dramatic loss of forest land that had accelerated under the Khmer Rouge and subsequent regimes. Villagers, usually women, were forced to walk huge distances to collect enough wood to boil water and cook rice.

Participatory appraisals in rural communities convinced Concern Worldwide that the key to re-generation was local community management. In response the organisation established a community forestry programme in Kompong Chnang province. Villagers agreed to form local management committees that would set

rules for managing their forest land in a sustainable way. People would not be allowed to cut down trees without express permission from the committee. Instead they would allow the trees to grow to maturity and harvest only fallen branches and dead wood for firewood. Larger trees would provide shade for the forest plants and vines to flourish, which villagers would be allowed to harvest and sell. Animals were banned from grazing in the protected areas.

Communities took well to the challenge of managing local forests and soon saw a huge increase in the numbers and varieties of plants growing in the newly re-generated environment. In a matter of four years the road through Kompong Chnang changed from a dusty track to a shady oasis, bordered on both sides by protected forest land.

This programme had flourished under special conditions: the local Department of Forestry had agreed that they would support this experiment in local management, even though the law of Cambodia said that all forest land was the property of the government. However, the agreement was not open-ended and village committee members worried that once the trees had reached full maturity, the Forestry Department would simply come in and cut them down for sale. This would deny the village any profit from having protected the trees and would destroy the environment they had so carefully nurtured. At the same time other agencies were trying to replicate the success of the programme, but were unable to persuade their local authorities to give them even the low level of guarantee that Concern Worldwide had been able to achieve. Without the legal right to control

their local forest land, it was very difficult to convince villages to work together to protect it. Loss of forests continued apace outside of the original Concern forestry programme villages.

At this point Concern invited the Government of Cambodia to meet NGOs and community representatives in a National Community Forestry Workshop, to highlight the legal obstacles to forestry management. This was the moment when the programme shifted to a focus on rights. NGOs and community leaders advocated for legislation to recognise community rights, but also pushed for the law to be developed with full participation of villagers who knew the problems first hand. In response, the government requested Concern Worldwide to facilitate the participation and established a Task Force to develop a community forestry Sub-decree. Concern provided financial and technical support to the Task Force and was a member of its secretariat. The Sub-decree is expected to become law in early 2003.

The new law will create an enabling environment for a rapid expansion of community-led forestry management. Although the original aspirations of the Concern Worldwide programme were limited to fifteen villages in one province, the switch to a rights focus has led to an impact across the whole country. This could be seen as an example of a rights based success, developing from a needs-driven programme.

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people

Shelagh Windsor-Richards joined the team at INTRAC in September 2002 as Office Manager.

Michael Davis left the post of Research Assistant in November 2002. Michael has been with INTRAC since October 2001 and we wish him all the best in Cambodia. INTRAC's two new Research Assistants Barbara Brubacher and Lucy Earle both started work during November 2002.

Our Central Asia team has also had some new additions: Kulnara Djamankulova in Kazakhstan and Chinara Tashbaeva in Kyrgyzstan, both as Community Development Advisors and Guljahon Mavlani has been appointed as Programme Assistant in Uzbekistan.

We would like to thank Mia Sorgenfrei who was an intern from October to December 2002 in the Training Department.

INTRAC is always very grateful to its volunteers for the time and effort they put in. We would like to say thank you to our latest volunteers: Alix Rosenberg, June Williams and Vanita Sharma.

Written by Natasha Thurlow Email: n.thurlow@intrac.org

Rights and Development in Palestine

To contribute to the debate on how a rights based development approach can be used to address power relations that adversely affect NGO efforts to reduce poverty and empower people it is important to look at real cases. A particularly illuminating example is that of 'de-development' in the Occupied Palestinian Territories. 'De-development' in an economic sense is "a developed economy deprived of its capacity of production...making it incapable even of distorted development" (Roy 1999). The term 'de-development' also refers to the overall decline of Palestinian livelihood. Those forces generating de-development and the effects of the denial of basic human rights has on the socio-economic development illustrate the importance of rights in the Palestinian context.

The Oslo Accords of 1993 signed by Israeli Prime Minister Rabin and Palestinian Liberation Organisation Chairman Arafat fuelled hopes for an end to the Israeli-Palestinian conflict and yet the conflict became further entrenched. In a climate of suspicion and insecurity and with Israeli settlement expansion, the Palestinian's socio-economic situation declined.

Israel's policy of movement restrictions for Palestinians have, according to latest World Bank and UNCTAD reports, created a situation in the Palestinian territories that resembles a 'complex humanitarian crisis' and brought the economy to the verge of collapse. Half of the Palestinian population now lives below the \$2-a-day poverty line and numbers continue to rise. Access to important services such as education and health is significantly inhibited by closures, curfews and the destruction of the Palestinian infrastructure.

The collapsing economy pushed the Palestinian Authority (PA) into crisis and the withholding of tax revenues by the Israeli government brought the PA to the verge of bankruptcy. In order to prevent a humanitarian crisis, international donor aid

increased by over two-thirds within fifteen months of conflict. However, the increase in aid has not substantially ameliorated the structural factors that are causing the socio-economic crisis in the Occupied Palestinian Territories. Instead, international aid has serviced the shortcomings of the PA and the neglect of the Israeli military administration. NGO aid and programming, while fulfilling crucial humanitarian functions, has failed to address the root causes of the problem and, in some ways, is perpetuating the *status quo*.

Northern government development priorities often reflect their foreign policies. In the competitive environment concerning funding, Palestinian NGOs have to adapt their activities to match these priorities in order to secure financial support. If the relationship between donor and beneficiary is not based on true solidarity with the Palestinian cause, it might lead to an erosion of an organisation's own objectives. Palestinian organisations are accountable to Northern NGOs and donor agencies, who are themselves accountable to donors. The power structures of external aid and the hierarchical structure through which it is disseminated is damaging and manipulative, particularly in Palestine where local NGOs are closely linked to both the needs of the local community and the competing political spheres of influence.

While many Northern NGOs may be committed to promoting Palestinian human rights, the funding system with its particular power structure leaves little room for solidarity between donors and beneficiaries as Northern NGOs, in their primary role as donors, still often dictate local policies. Government agencies and their aid policies are unlikely to change, while NGOs themselves must compete for limited funds and are unwilling to jeopardise their status as charity organisations.

Rather than challenge the *status quo* and the structures that create de-development, external aid and its ability to foster legitimacy by acting through local agencies,

actually serves to mute any such criticism. This is particularly evident when looking at the funding strategies of USAID. They became more aggressive during the second *Intifada*, cornering the donor market and making Palestinian NGOs increasingly dependent and unitary. As USAID funding is expected to be apolitical, Palestinian NGOs find themselves serving only the physical needs of the community, rather than their pressing political and social needs. This prevents Palestinian NGOs from openly criticising Israeli policies.

In order to address effectively the structures of de-development in Palestine, and in many other parts of the world, advocacy must become a stronger part of an organisation's mandate. Northern NGOs must realise that their role should not be to replace governments who are either unwilling or unable to provide necessary services. Rather, while it is important to fill in the gaps in the short term, enduring structures will have to be created to ensure that people have a means of securing their rights. If the policies of western governments need to change in order for these structures to emerge, northern NGOs should facilitate this change and extend the voice of the local NGOs. By working to create a principled human rights based approach with a greater emphasis on advocacy and understanding, more genuine relationships of solidarity can emerge with local NGOs.

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Informed NGO Research Bulletin Subscription

This bulletin is produced by the NGO Research Programme and published by INTRAC. It brings together short research articles that discuss current NGO issues and includes news from conferences and book reviews. It costs £20 per year for three hard copies, but will also be available, free, on the INTRAC website www.intrac.org. If you wish to subscribe to *Informed*, please contact c.beaumont@intrac.org

Oxfam International and the Rights Based Approach

Whilst in my first year of study at the Faculty of Law, I can still remember attending a lecture entitled ‘Natural and Positive Law’ where a professor explained that, ‘The mere existence of rights, recognises the very dignity of each being. Human rights are not something that you are given, or something that you receive; rather, you own them by virtue of being born.’

The intrinsic connection of human rights and human dignity, so elegantly expressed by that professor, is key to a rights based approach. When we are talking about a rights based approach we are embracing the ideal of full human dignity, which does not necessary happen in other approaches.

Oxfam International (OI) members share vision, analysis, approaches and ways of working together in a confederative context as reflected in its Strategic Plan ‘Towards Global Equity (2001-2004)’. Five rights based aims (right to livelihoods, right to basic social services, right to life and security, right to be heard and right to diversity) provide the framework for Oxfams to work together in the coming years in order to address inequality, acknowledging for the first time that rights enshrined in international covenants are the foundation of OI work.

For us the rights approach not only introduces dignity, but other challenging questions relating to what we do, and how we do it. As we perceive it, there is an indivisible continuum of human rights and we assert the **indivisible link between human rights, economic development and social justice**, contrasting with narrower views of well-being based on economic foundations alone. Highlighting these links allows us to place ‘equity’ and ‘the right to an opportunity’ at the very centre of the debate.

We are moving from dealing with recipients of aid (beneficiaries), to support active citizens (right holders), while recognising that power analysis and accountability at micro and macro levels (duty bearers) becomes a key new feature for us to focus as a global organisation in a global world. It signifies a move beyond philanthropic charity and self-help to that of demanding that those with power ensure that the poor and marginalised can enjoy their rights too.

For this reason Oxfam is giving far more prominence to advocacy and global campaigns that connect our partners with our supporters based on a common agenda for economic and social justice.

The Oxfams are best able to contribute to the realisation of human rights by focusing our energies and resources on the areas in which we specialise: economic, social and humanitarian rights. The pursuit of our five rights based aims also demands a wide range of strategic interventions in many sectors involving a plethora of actors, at different levels at the same time, with a need for a multidisciplinary focus.

Traditionally, our strongest experience of co-operation has been based on funding projects with partner organisations. Now, however, we are developing a co-operative, non-funding based relationship through alliances which brings together programme development, advocacy, campaigning and policy, in order to pursue shared goals. This rights based approach pushes us to look at new ways of working as a means of securing economic and social justice together with the achievement of civil and political rights, which go beyond funding.

Last but not least, the rights based approach presents us with an inescapable challenge, as it requires us to shift from the traditional investment in inputs and focus on outcomes and impact. We are facing the task of providing standards against which programme decisions will be measured while strengthening our learning from different approaches and building up a sound understanding of best practice.

The OI Strategic Plan embraces the rights based approach and provides Oxfams with an exciting opportunity to look at new ways of thinking, programming, learning and relating to other actors. Business as usual is not an option.

Reference:

Oxfam International (2001)
Towards Global Equity (2001-2004)
www.oxfam.org/eng/about_strat.htm

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Institutionalising Rights and Local Claim-Making Processes

A rights based approach to development is increasingly prominent in development agendas. It is being used to promote the responsibility of governments and society for ensuring and protecting peoples’ rights to survival and dignified living, in keeping with the current international agenda for poverty reduction in the context of good governance.

The rights based development agenda has to be situated in relation to globalisation and to the neo-liberal ideologies that have driven development in recent years. After a period of apparent state withdrawal, new demands are being made for the state to take a more active role in development. In this respect, it can be argued that the international community and other actors are trying to translate the rights based agenda into a redefinition of the modern state as a space in which to encompass diverse cultural and social demands. This raises new questions concerning the role of the state and the repositioning of civil society.

Within the rights based agenda an important theoretical issue concerns the role given to normative international rights frameworks for addressing development problems. To use international conventions and legislation as a starting point for development suggests we need to ask whether these normative frameworks can effectively direct processes of social transformation. One fear is that these normative frameworks will be used to re-engineer relations between state, society, and other actors in ways that generate new and unintended social conflicts. These social conflicts may reflect a new political reality, but one that draws on locally rooted historical inequalities, marginalisation and claim-making processes.

Rights, Identity and the Mapuche Question in Chile

In different country contexts the institutionalisation of a rights approach to development necessarily encounters a long established comprehension of acknowledging, denying and claiming rights, which leads to certain ways of expressing problems, tracing solutions, and generating or mediating conflict. Such a

discussion

fabric of rights in society cannot be swept away in attempts to assert a new rights based development agenda on local situations. This raises questions concerning how international understandings about rights connect to local understandings, practices and histories, as well as questions about what can we learn from countries where the institutionalisation of rights is part of an existing national political process. One case is that of Chile.

In 1992, the Chilean national census 'discovered' a hitherto unacknowledged percentage of the population was Mapuche. This was not an accident and in reality represents the arrival of a new view from within the nation state for understanding the cultural composition of Chilean society. It symbolises a search for the institutionalisation of rights in a country just emerging from one of the most brutal and repressive political systems in Latin America. Therefore, in the transitional process from dictatorship to democracy rights have a special resonance in Chile.

There are a number of processes significant to how the Mapuche have tried to claim certain rights. The first are processes to gain state recognition of the importance of local identity and to establish the political

conditions to re-position indigenous people in society. Second, different groups of Mapuche have negotiated their interests and right to representation *vis-à-vis* one another and *vis-à-vis* the state. Thus we see different groups of rural and urban Mapuche trying to assert sometimes very differing claims on the national political stage. Thirdly, certain Mapuche groups have entered into disputes with large development projects, supported by private interests and the state. This has generated debates over how Mapuche livelihood interests and territorial claims can best be served and protected. Each of these processes has been given impetus by linkages to Latin American and global indigenous peoples' movements.

In this repositioning of the Mapuche in Chilean society a process of redefining the idea of the nation state and the constitution of civil society is taking place. In this respect, the institutionalisation of rights is part of a process of reconsidering the social project of society according to different life-worlds, which cannot be assessed one against the other in simple terms or as a matter of cost benefit analysis. It is necessary to realise that state objectives are not more supreme than the cultural value of the continuation of ethnic groups. This last point is connected with value issues in society and very much complicated by the politics of who the parties are which

negotiate the institutionalisation of rights and with whom. Mapuche rights may coincide with other groups in society or they may diverge, which is important because in any institutionalisation of rights, specific claims from individuals or collectivities may cut across the more general issue of needing to achieve development without the erosion of individual rights.

Issues for Reflection

Briefly, the Mapuche case raises some key issues for which further consideration is needed. The first concerns the need to examine the changing role of the state within a rights based development agenda. The second relates to the need to fully consider how identity is drawn into claim-making processes, and that rights may be articulated in ways that are different from international rights conventions and legislation. The third links to the need to take into account the contradictions and conflict that may emerge from the assertion of normative rights frameworks on local realities and histories.

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