

DEVELOPMENTIZING HUMAN RIGHTS:
HOW DEVELOPMENT NGOs INTERPRET AND IMPLEMENT A
HUMAN RIGHTS-BASED APPROACH TO DEVELOPMENT POLICY

By

Srirak Plipat

B.A. (Psychology) Thammasat University, 1991

M.Sc. (Marketing) Thammasat University, 1997

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This dissertation was presented

by

Srirak Plipat

It was defended on

June 10, 2005

and approved by

Louis Picard, Professor, Graduate School of Public and International Affairs

John Mendeloff, Professor, Graduate School of Public and International Affairs

Clifford Bob, Professor, Department of Political Science, Dequesne University

Dissertation Chair: Paul Nelson, Professor, Graduate School of Public and International Affairs

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Srirak Plipat, PhD

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Human rights-based approaches (RBA) have become an important factor in international development policy, endorsed and adopted by leading non-governmental organizations working in development (development NGOs), bilateral development agencies, and UN agencies such as UNICEF, UNDP, and WHO. This research assesses the significance of the RBA trend by examining the reasons for RBA adoption, NGOs' interpretation of the RBA, organizational changes after adoption, and implementation.

The RBA is a conceptual framework with potentially radical and powerful implications for development practice. But this radical concept is found to lose much of its power as the new paradigm is transformed in practice through the interpretation of the RBA, organizational changes, and implementation.

The full potential of RBA is diminished because NGOs interpret the RBA in ways that fit their organizational backgrounds and expertise. Three variants of the RBA are identified: popular, equity, and classical, emphasizing grassroots organizing, global advocacy, and international human rights standards, respectively. Organizational dynamics further limit the

RBA's impact, as NGOs adopting the RBA have tended to manage change by modifying existing methods, rather than organizational transformation.

Finally, the RBA is compromised in implementation at the country level. NGOs are found to have difficulty implementing strategies that change power relations, strengthen accountability, promote non-discrimination, and strengthen partnerships among NGOs. Six factors are found to affect the likelihood that an NGO will adopt a RBA: the percentage of annual revenue from governments, the number of NGO members in an international federation or family, the NGOs' host country, the NGO's association with other organizations, its working methods, and the issue areas in which it works. Leadership also plays important roles in adoption.

The study is based on statistical analysis of the factors affecting RBA adoption in the thirty largest international development NGOs; analysis of NGOs' interpretation of the RBA and organizational change in three cases, ActionAid UK, Oxfam GB, and Save the Children Sweden; and a case study of implementation by the same three NGOs in Vietnam.

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CHAPTER 1

INTRODUCTION

1.1 BACKGROUND AND ISSUES OF THE STUDY

Human rights and development were long regarded as two different fields, pursuing different goals. They were thought to follow different directions, use different languages, and to have been developed within different traditions. (Sano 2000) Since the 1990s, the boundaries between the two fields have become vague. The “realization of human rights”—in human rights language—and the “achievement of development goals”—in development language— are more perceived to share several common grounds. At the bottom line, they are understood to improve the situation where 1.3 billion people live in poverty, or with less than one US dollar per day, where 1.2 billion people have no access to water, where 1 billion do not have adequate housing, and where 800 million do not finish primary school.

A human rights-based approach to development (RBA) is a product of the nexus of the two fields (Nelson & Dorsey 2003). The central concept is that a development process should be based on the notion that a person holds certain rights that are guaranteed in international human rights laws and instruments.¹ The state is the primary duty bearer, obligated to respect, protect,

¹ There are six international human rights instruments with treaty status: International Covenant of Civil and Political Rights (ICCPR), International Covenant of Economic, Social, and Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Racial Discrimination (CERD), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention Against Torture and Other Cruel, Inhuman, or Degrading

and fulfill human rights guaranteed, and international communities and non-governmental organizations (NGOs) should assist the state in fulfilling its human rights obligations.

In general, an RBA development process starts with a human rights situation assessment in order to set goals, objectives, and priorities that target the most severe victims of human rights violations, or people who are most at risk of violations. Human rights concepts can then be incorporated into development programs, including planning, implementation, and evaluation (HRCA, 2000).

The RBA concept has gained currency since the late 1990s, a time of new global contexts. First, the end of the cold war has brought closer civil and political rights on the one hand, and economic, social, and cultural rights on the other. Second, the development industry has been increasingly criticized for its failure in fighting poverty. Third, there has been a rise of global civil society, whose work and impact in development has increased. (Florini 2000; and Salamon 1994). Many new emerging Southern NGOs focus on economic, social, and cultural rights, rather than civil and political rights (Smith & Pagnucco 1998). Fourth, several Northern NGOs are in the process of organizational transformation in an effect to better respond to globalization (Lindenberg & Bryant 2001). Some NGOs have taken an RBA as part of their transformation, such as Oxfam Great Britain (Oxfam GB). Fifth, the RBA is on the rise at the time of a decline in popularity of the people-centered and sustainable development, as the latter proved to be a too complex concept to implement (Nicholls 2000). Finally, the end of the century marks a diminishing flow of aid from rich countries, and increasing scrutiny of NGOs' accountability and effectiveness (Edwards and Hulme 1995).

Treatment or Punishment (CAT), and Convention on the Rights of the Child. Other mechanisms and instruments include regional and national courts, laws, and other procedures.

Since the late 1990s, several leading development NGOs have adopted a human rights-based approach to development, including Oxfam, Save the Children, CARE, and ActionAid. Several key development agencies of the United Nations (UN) have also adopted the approach, such as UNICEF, UNDP, and WHO. The adoption of RBAs of these development agencies has sparked studies and writings describing and analyzing the phenomenon.

However, the literature on the adoption of an RBA has still been very limited. This limitation, in large extent, is because the adoption of RBAs by development NGOs began just in the late 1990s. Nevertheless, a literature review demonstrates that most writings focus on the theoretical level, interpreting what a human rights-based approach means, and what its implications are. This theoretical interpretation has reached its peak, as newer writing has started to restate or reproduce earlier ideas with little new thinking. There is a second area of study that is newer and expanding. This is the study of specific themes of RBAs, such as RBAs on the right to food, RBAs on the right to housing, RBAs on refugee work, and RBAs on emergency work. There is a dearth in the literature on what is actually happening on the ground, although some empirical studies have been developed by NGOs to assess their own country cases after the adoption of RBAs.

Despite this limited study and writing on RBAs, more development agencies sign up to the approach. They speak of RBA concepts, which call for a paradigm shift in development thinking and practices of development assistance (Offenheiser and Holcombe 2003). They produce different development policies, distinguishing itself from those of the past fifty years of the international development enterprise. They accept a different set of RBA development policy implications, challenging the aid industry. Finally, the RBA development agencies open doors of development enterprise to join hands with human rights activists and organizations, in working

to end poverty and realizing human rights. All these factors make it especially crucial at this very time, for both academics and practitioners, to systematically question the RBA movement's conceptual frameworks, development policies and strategies, implementation and potential to bring about new changes to the development world. These questions will lead us towards an understanding of the RBA promise and why it delivers as it does.

1.2 PROBLEM STATEMENT

From the literature review, gaps in four areas have been identified and developed into research questions.

The first is on the question of why development NGOs actually adopt an RBA. Most writing claims that it is because an RBA adds values to development, such as strengthening accountability and partnerships. One study argues that development NGOs adopt an RBA because they need a moral high ground to cover up failures in fighting poverty and to continue to work in the field (Uvin 2002). None of these observations are drawn from empirical evidence. The first research question of this study asks: Why do development NGOs adopt an RBA?

Second, on the interpretation of RBA, it is generally assumed that there are recognized standards of the RBA, as if there has been a consensus developed from international forums. This study questions this assumed consensus. It assesses key concepts and their potential contributions to the development enterprise. Its second research question asks: How do development NGOs construe the meaning of an RBA? A hypothesis is that they interpret it differently in core elements.

Third, a key issue involved with the adoption of an RBA is organizational change. Most writers accept that adopting an RBA has implications on organizations. Some suggest that these changes include new mission statements, new organizational structures, and new staff training and retraining. Yet, a large gap in the literature appears here. To date, there is no study whatsoever on organizational change caused by the adoption of an RBA. This forms the third research question: What is the nature of changes of development NGOs after the adoption of an RBA at the organizational level? To what extent do organizational dynamics help deliver RBA concepts and implications?

Fourth, the implementation of an RBA is an inseparable part of organization change. Some interpretations of an RBA are more practical than others. Writers have suggested what an RBA programming might look like, such as more elements of advocacy work. But, a gap in the literature remains, leaving the fourth research question unanswered: What is the nature of changes of development NGOs after the adoption of an RBA at the programming level? To what extent does the implementation process help create impacts, resulting from RBA concept?

1.3 KEY FINDINGS

This study finds that the RBA is a conceptual framework with potentially radical and powerful implications for development practice. But this radical concept is found to lose much of its power as the new paradigm transforms in practice through the interpretation of the RBA, organizational changes, and implementation.

The full potential of RBA is diminished because NGOs interpret the RBA in ways that fit their organizational backgrounds and expertise, rather than interpreting the full spectrum of RBA concepts. Three variants of the RBA are identified: popular, equity, and classical, emphasizing grassroots organizing, global advocacy, and international human rights standards, respectively. ActionAid worked heavily at the grassroots level, before it adopted an RBA, which it interprets as a concept, emphasizing assisting the poor to claim their rights. Similarly, Oxfam GB was well-known as a campaigning organization well before it adopted a rights-based approach. The organization interprets the RBA concept, as one that would serve its social justice value and strengthen its global campaign work. Based on the Convention of the Rights of the Child, Save the Children Sweden's interpretation explores a broad range of concepts of the rights-based approach, resulting in significant changes in the way the organization works.

Organizational dynamics further limit the RBA's impact, as NGOs adopting the RBA have tended to manage change by modifying existing methods, rather than organizational transformation. Based on the assessment of dimensions of organizational change, including mission statement, change process, NGO federation or family, staff management, and learning and training policy, organizational changes have been limited to "tuning," rather than "reorientation," as RBA concepts suggest, except for the case of Save the Children Sweden.

Finally, the RBA is compromised in implementation at the country level. NGOs are found to have difficulty implementing strategies that change power relations, strengthen accountability, promote non-discrimination, and strengthen partnerships among NGOs. These are due to factors, including limited staff knowledge and skills in human rights and RBA, the development of RBA management tools, and external environment, such as government control over NGOs.

Six factors are found to affect the likelihood that an NGO will adopt a RBA: the percentage of annual revenue from governments, the number of NGO members in an international federation or family, the NGO's host country, the NGO's association with other organizations, its working methods, and the issue areas in which it works. Leadership also plays important roles in adoption.

1.4 JUSTIFICATION OF THE STUDY

Human rights-based approaches (RBA) have become an important factor in international development policy, endorsed and adopted by leading non-governmental organizations working in development (development NGOs), bilateral development agencies, and UN agencies such as UNICEF, UNDP, and WHO. This research assesses the significance of RBA trends by examining the reasons for RBA adoption, NGOs' interpretation of the RBA, organizational changes after adoption, and implementation. It explains why, what, and how human rights are integrated into development policy and programming by Northern development NGOs. The analysis of interpretation and the nature of changes at the organizational and programming levels explained by this research should shed some light on international development NGOs in their efforts to fully realize the potential of RBA conceptual frameworks and implications.

1.5 RESEARCH METHODOLOGY

The thirty largest Northern development NGOs that operate in the South² have been reviewed for the purpose of studying why some Northern development NGOs decided to adopt or not to adopt a human rights based approach. A comparison study between the two groups, the adopters and non-adopters, answers why some NGOs adopt a human rights approach.

The research then focuses on three adopters—ActionAid UK, Oxfam GB, and Save the Children Sweden—to look into how they interpret, adopt, and select components of a human rights-based approach, and how each analyzed organization policies, structures, and programming before and after the adoption of the approach. In answering the research question on implementation, Vietnam is selected as a country of operation to examine the extent to which the three NGOs have successfully implemented their RBAs.

Data collection has been carried out at both the headquarters of the three organizations and their country offices. A series of interviews and document analyses examine how the organizations interpret the meaning of the approach and what the nature of changes at organizational and programming levels are.

² “Northern NGOs” refers to NGOs based in the U.S. or Western Europe and “North” refers to the U.S. and Western Europe. “Southern NGOs” refers to NGOs based in developing countries. “South” refers to developing countries. Australia, New Zealand, and Japan are considered developed countries.

1.6 CHAPTER SUMMARIES

Chapter two covers the literature review describing the debates on the adoption of an RBA. The chapter starts by identifying the contexts where RBAs emerge, and discusses forms of their emergence. The chapter then reviews arguments for and against an adoption of RBAs, as well as ways that RBAs are presented, such as RBA as a solution to crises of the aid system, RBA and governance, RBA and good development practices, and RBA as a challenge to market-dominated development. The chapter also assesses arguments on how to implement an RBA. Theories on organizational change are then reviewed with a focus on explanatory implications involved with the adoption of RBAs. The last section identifies gaps in the literature, which formed the research questions of this study.

Chapter three is devoted to research methodology. Linking the gaps in the literature, as identified in the end of chapter two, this chapter starts by identifying the key research questions. Then, it defines terms used in the study and the hypothesis of the research. The chapter then moves to a discussion of the two stages of the research, which require two different research methods. The quantitative method is used to test factors affecting development NGOs' adoption of RBAs. The qualitative method is used to answer the rest of the questions. In the last section, this chapter assesses validity and threats to validity of the research.

Chapter four asks: Why do development NGOs adopt a human rights-based approach to development? To answer parts of the question, a dependent variable—the adoption of an RBA—is tested statistically against six dependent variables: the percentage of annual revenue from governments, the number of NGO members in an international federation or family, the NGOs'

host country, the NGO's association with other organizations, its working methods, and the issue areas in which it works.

Chapter five examines how NGO's interpretation of RBA, in practice, diminishes the full potential of RBA, as they interpret the concept of RBA to fit their organization background and expertise. It examines how the three selected cases of NGOs interpret RBAs. Three variants of interpretation are identified: the Popular RBA of ActionAid UK, the Equity RBA of Oxfam GB, and the Classical RBA of Save the Children Sweden. Each has different conceptual frameworks, leading to different development policies, strategies, and programs.

ActionAid's interpretation leads to the "Popular RBA," featuring a local-to-global analysis, strong empowerment of the poor and the marginalized, the "add-on" human rights principles in programming, "local-up" advocacy, and a limited use of international human rights instruments. The Popular RBA addresses power relations on the local level by strengthening and mobilizing people at the grassroots level. This interpretation fits well with organization expertise working with grassroots group.

Oxfam GB's interpretation forms the "Equity RBA," featuring a selective use of human rights norms and instruments to legitimize and mobilize people and resources in challenging power relations at the global level with its global campaigns. In direct contrast to ActionAid, Oxfam has a global-to-local analytical framework. Oxfam's brand also features its five Aims and Strategic Change Objectives (SCOs), based on international human rights norms and linking together three types of intervention—humanitarian, campaign, and development. Campaigning is a key advocacy tool for the Equity RBA, especially at the global level. The Equity RBA is a result of Oxfam GB's background and expertise in campaign and global advocacy.

Save the Children Sweden represents the “Classical RBA,” featuring a comprehensive use of international human rights norms and instruments. It states its goals within a human rights framework, compared to a poverty framework of the Popular and Equity RBAs. It deploys a variety of human rights and development tools in strengthening the protection and promotion of children’s rights within the framework of its twelve Program Areas. Advocacy work is a key tool both on the international and national levels, although grassroots work has been limited. The Classical RBA reflects Save the Children Sweden’s work on children based on international human rights laws and standards.

Chapter six examines what organizational changes that have been made after the three organizations adopted RBAs. It assesses the extent to which the organizational changes have turned the new RBA concept into practice. It is founded that organizational dynamics have limited RBA’s impacts, as NGOs have largely restricted their changes to modifying existing methods, rather than to fully transforming their organizations.

It is argued in this chapter that first, ActionAid UK, Oxfam GB, and SC Sweden have developed and implemented three different processes of organizational change: the experimental, the blueprint, and the step-by-step approaches, respectively. Second, despite substantial organizational changes that the three organizations have managed, they are still less than what their interpretation—the Popular, the Equity, and the Classical RBAs—would require. Third, organizational change within NGOs in the context of the adoption of RBA is not organizational transformation; it is only developmental changes for Oxfam GB and ActionAid UK, and a transitional change for SC Sweden. Fourth, the organizational changes of these NGOs in the context of the adoption of RBA are closer to an “organized anarchy” than a “planned change.”

Chapter seven describes how the RBA has become compromised in its implementation at the country level. It examines the implementation of the three types of RBAs of the three NGOs. The chapter basically asks: To what extent can these three organizations implement RBAs according to their missions? Can they actually change power relationships between the state and the poor, or between duty bearer and rights holder? What have been the issues, obstacles, and challenges in the implementation of three types of RBAs?

It was found that the RBA became less radical, as it has been implemented at the country level. NGOs are found to have difficulty implementing strategies that change power relations through strengthening accountability, non-discrimination, and empowerment. NGOs adopting RBAs in Vietnam have found challenges in partnership. This chapter discusses a gap between reaching the poorest of the poor and the most marginalized in theory and in practice; and the tendency of NGOs adopting RBA to move away from service delivery to policy advocacy.

Chapter eight concludes by looking at the findings of this research in a larger context. It discusses four paradoxes of NGOs adopting RBAs: the paradox of human rights language, the omnipresence paradox, paradox of choosing issues, and the cooperation paradox. The chapter concludes by discussing a low level of significance after being on a high moral ground, and addresses future challenges of the RBA movement and future research opportunities for further study.

The following pages discuss relevant literature in the field of RBA, covering the questions of why development NGOs adopt and do not adopt an RBA, what organizational implications are, and what implementation issues are expected.

CHAPTER 2

THE DEBATE ON HUMAN RIGHTS-BASED APPROACH TO DEVELOPMENT AND ITS ADOPTION: A LITERATURE REVIEW

The debates on a human rights-based approach (RBA) to development started in the late 1980s and increased throughout the 1990s. Despite more than a decade of discussion, the dialogue has remained theoretical, albeit some work that moves beyond a conceptual framework into practice (Lindenberg and Bryant 2001; Jochnick and Garzon 2002; and Nelson and Dorsey 2003). To date, there is no study focusing on the adoption of a human rights-based approach of development non-governmental organizations (NGOs). That is, there has been no systematic study of how NGOs interpret a human rights-based approach (RBA), why they adopt it, and what organizational changes might ensue with the adopting of an RBA.

This chapter aims at outlining the boundaries of knowledge and highlighting the salient issues behind the debates on the human rights-based approach to development and its implications on organizational change and transformation, as well as RBA implications at the service delivery level. It contains reviews of relevant literature that explains the implementation of the policy to integrate human rights into development policy and programming of development NGOs. The review is organized in seven parts: *first*, the reasons for closer relationships between development and human rights; *second*, the emerging space where development and human rights meet; *third*, the debates on why development NGOs should and should not adopt a RBA to development; *fourth*, the multi-faceted dimensions of an RBA to

development; *fifth*, the implementation of an RBA to development; *sixth*, the implications of the adoption of an RBA to development on organizational change and learning; *Finally*, the chapter will identify areas where further research would be of benefit to furthering the knowledge on an RBA and its adoption.

2.1 SETTING THE SCENE

Most writers on a human rights-based approach to development set the scene of the discussion by claiming that since the late 1980s, the changing global context has brought human rights and development together. This context has shaped and provided an emerging space for the convergence of human rights and development. Generally, five key changes have defined the new global context.

First, the cold war had divided human rights into two categories, civil and political rights supported by the democratic capitalist camp and economic, social, and cultural rights, supported by the communist block (Donnelly, 1998). The end of the cold war helped free the divisibility of human rights from political constraints, and highlighted economic, social and cultural rights, which were long the voices and demands of southern countries (Hamm, 2001). In other words, the end of the cold war brought out the issues of the failure of development and a call for the fulfillment of economic, social and cultural rights.

Second, since the 1980s, market-oriented economic policies and neo-liberal economic globalization have not been able to eradicate poverty throughout the world. In fact, these elements have exacerbated the situation of the poor, especially in the south. Many of these

economic policies have been criticized for ignoring and threatening social standards and quality of life of the poor (Hamm 2001a).

Third, the 1990s saw increasing work in articulating the measurement of development and quality of life by developing social indicators, such as, health and education, instead of the traditional economic indicators, such as, GDP and per capital income).³ This development highlights the failure of existing poverty reduction policy and the basic needs approach to development and calls for new approaches to address the situation (Hamm 2001a).

Fourth, the state's sovereignty is weakening even as it is being transformed while transnational corporations are gaining more influence. It becomes more accepted that many global problems cannot and should not be dealt with by the state alone. This has created the space for an ever-growing number of NGOs, whose work and impact in development has increased since the 1990s.⁴ NGO networks have brought change in human rights practice (Keck and Sikkink 1998), called for attention on global issues, and determined how the problems will be solved (Florini 2000).

Fifth, various observers have pointed out that a series of UN conferences in the first half of the 1990s has created a closer relationship between human rights, social development and democracy. Particularly important were the 1993 World Conference on Human Rights in Vienna, the 1995 World Social Summit in Copenhagen and the World Conference on Women in Beijing.⁵

³ UNDP's Human Development Index (HDI) is the most prominent example of this development.

⁴ Many factors have stimulated this growth, such as, the end of the war, reduction of the size of the state, increasing private donations to NGOs. For discussions on factors on NGO growth, see, Salamon, 1994; Lindenberg and Bryant, 2001; and Florini 2000.

⁵ For further discussions on how each conference generated crosscutting perspectives and brought up views that bring human rights and development together, see Hamm 2001a.

Against this backdrop of a changing context, the relationships of human rights and development have been drawn closer to an eventual convergence.

2.2 THE PARTIAL CONVERGENCE OF HUMAN RIGHTS AND DEVELOPMENT

Authors on RBA identify and analyze different spaces where they see human rights and development converge and interact. Six areas have been identified: (1) the space within the UN; (2) the space where the two academic fields overlap; (3) the space created by small ESCR NGOs; (4) the space created by the expansion of mandates of human rights NGOs; (5) the space created by joint action of human rights and development NGOs; (6) and the direct adoption of a human rights-based approach by northern development NGOs.

2.2.1 The Space within the UN

From its inception, the UN has traditionally worked on both human rights and development work. Since the late 1980s, the UN has moved development and human rights closer by organizing a handful of World Conferences, by mainstreaming human rights into the UN system, and by directly adopting a human rights-based approach by specialized UN agencies. These moves resulted not only in increasing interaction of human rights and development within the UN system, but also in the international development and human rights community.

First, the UN has organized a number of World Conferences, resulting in the stimulation of human rights discourse in development and facilitating the production of international

standards. The 1993 Vienna Conference, for instance, reaffirmed the indivisibility and interdependence of human rights, the value of human rights and the goal of integrating human rights to development activities. The 1995 World Social Summit highlighted the interconnection of social development, democracy, and human rights.

Key declarations that the UN facilitated, including the 1986 Declaration of the Right to Development, have generated an interconnection of human rights and development. Although the declarations are not legally binding to signatory countries, they reaffirmed the ESCR, which had long been overshadowed by civil and political rights. They also give legitimacy for third world countries to determine their own destinies and for the people to participate in decision-making that affects their lives. As a result of the declaration, a number of working groups have been set up to make recommendation to the UN Commission on Human Rights. A major theme of this recommendation is a call for the state to promote and protect economic, social, cultural, civil and political rights, to implement comprehensive development programs, and to integrate these rights into development activities.⁶

Second, the UN has developed a policy to integrate human rights into its system. The UN Secretary-General Kofi Annan has called for “mainstreaming” human rights within the UN development agencies. The Office of the High Commissioner for Human Rights (OHCHR) has been assigned to be the key actor in integrating human rights thinking and standards throughout the work of the UN agencies (UNHCHR 2002a).

Third, UN specialized and development cooperation agencies have directly adopted an RBA in their programs. UNICEF is one of the earliest UN agencies to take on human rights work in the early 1990s. Focusing on children and women, the organization adopted the Convention of the Rights of the Child (CRC) as the starting point and the realization of the CRC as the goal of

⁶ UN Document E/CN.4/RES/1996/15.

its work. UNICEF's rights-based programming includes the work in supporting the legislation to protect children's rights at the national level, monitoring the rights implementation, working with local organizations and developing resources for the rights of the child (UNICEF 1999).

Started in the mid-1990s, UNDP provided a significant framework for the integration of human rights and development in its 2000 Human Development Report. The report lays out the groundwork linking and stressing the mutual reinforcement of human rights and human development (UNDP 2000). In 1999, in response to the UN Secretary General call for an integration of human rights in all areas of the UN system, UNDP started to work with the Office of the High Commissioner on Human Rights (OHCHR) in a joint project called "The Human Rights Strengthening Program" (HURIST). The program has experimented with different human rights-based development projects, including conducting a human rights analysis on the national level, developing the United Nations Development Assistance Framework (UNDAF) and Country Cooperation Framework (CCF) based on human rights analysis, and producing materials for a human rights-based approach (van Weerelt 2001).

Among other UN agencies that bring human rights into their work, the World Health Organization (WHO) has adopted a human rights framework in its work, including working with the UNDP, UNFPA and the World Bank in a pilot human rights-based project in Mozambique and development of health indicators (WHO 2002). UNAIDS has developed guidelines for human rights protection and promotion of people living with HIV/AIDS (UNAIDS and UNHCHR 2002). The OHCHR developed a guideline that stipulates a human rights framework in poverty reduction strategies (UNHCHR 2002b)

2.2.2 The Convergence of the Two Academic Fields and General Practices

The second area in which human rights and development converge and interact is in academic fields and practices. Sano points out that human rights and development, initially developed as separate fields of study, converged in the 1990s. This convergence was made possible by both the expansion of the two fields of study and the new thinking that each field has developed.

Development as an academic field started after World War II. The dominant thinking during the time was strongly influenced by economic development, inspired by the economic recovery of Western Europe after the war. The independence of countries in Asia and Africa during the 1950s stimulated research on economic development, leading to economists dominating the field. The Neo-classical liberalism in the 1980s led and dominated by the World Bank and the IMF, focused on structural adjustment and economic efficiency, and less on growth. This movement has sparked a number of revolts from UNICEF and UNDP and other development thinkers, who moved to focus on capacity building, ability to choose, and participation (Sano 2000). These new developments, especially on governance, social development, choices and quality of life, have brought development to converge with human rights.

The contents of development as an academic field have been on improving economic, social and political conditions mostly in developing countries. Development focuses on general processes of change, resource control/conflict and resource relocation (Sano 2000), as well as efficiency and effectiveness. Although program evaluation has been widely discussed and accepted, few have put it into practice. Despite the generally accepted Millennium Development Goals (MDG), development traditionally does not have internationally accepted standards of

improvement. Each program has its own goals. Working methods have varied. Lending institutions still practice economic growth and stability policies with an emphasis on macro-economics. Bilateral development agencies and NGOs work through programs that run for a certain period of time. Service delivery to the poor and the marginalized is still dominant, although capacity building and advocacy have been increasingly practiced.

Since the start after World War II, human rights as an academic field has been legalistic, with emphasis on setting up, interpretation and monitoring of international human rights laws and standards. In practice, human rights NGOs founded in 1970s worked mostly to set up standards and monitor party states based on international laws (Donnelly 1998). The growth of human rights NGOs in the 1970s continued through the 1980s when new areas of institutionalization of human rights mechanisms gained momentum (Donnelly 1998). Advocacy work based on documentation, focusing on violating states and the lobbying of superpowers and the UN to shame and pressure violating states became a classic model of human rights work.⁷ Claude E. Welch sums up four functions of human rights NGOs during their development as: setting standards, providing information (from monitoring and documenting), lobbying, and assisting victims (Welch Jr. 2001).

Sano points out that human rights work has been carried out based on subject norms, rules and duties as well as institution development (Sano 2000). Instead of providing services to people at the local level like development workers, human rights workers traditionally work at an international level aiming to establish international human rights norms. Most of the groundwork at the local level is carried out by local human rights NGOs, and sometimes in documentation missions by international human rights NGOs. Advocacy and lobbying has been the core work of

⁷ There were several studies on how this classic model functioned successfully. For a thorough analysis of the model, please see, Keck and Sikkink, 1998.

human rights NGOs; not so for development NGOs. Service delivery, the core work of development NGOs, has never been adopted by human rights NGOs as key work, except for assisting human rights victims on a temporary basis. “Effectiveness” has been the language of development NGOs in their service delivery for decades, but has never been adopted as a core language of human rights NGOs. In other words, development goals focus on material conditions in order to distribute the benefit of economic growth to people in ways through which they can improve their lives. In contrast human rights goals “tend to deal with normative constraints on power relations to ensure human dignity and the elimination of repressive and oppressive processes” (Marks 2003, 2).

Despite much of the difference between the traditional goals of development and human rights, in terms of the values surrounding the work and the methods of working, the two fields also share many similarities. It is this similarity that helped the two fields and practices converge. There has been a turn towards economic, social and cultural rights, as well as minority and indigenous rights within the human rights field. The development has been redefined as enabling choices. The concept of entitlement has been increasingly accepted, while more focus has been given to advocacy and lobbying within the development field.

2.2.3 The Emergence of Small ESCR NGOs

Jochnick and Garzon (2002) argue that the space where human rights and development overlap is evident in the emergence of groups of ESCR NGOs in the 1990s. These include a handful of small international NGOs specializing in ESCR, such as, Foodfirst Information Action Network (FIAN) working on the right to food, Centre on Housing Rights and Evictions (COHRE) and

Center for Economic and Social Rights (CESR) working on the right to housing, and Francois-Xavier Bagnoud Center for Health and Human Rights (FXB) and the American Association for the Advancement of Science (AAAS) working on the right to health. The growing recognition of ESCR has helped the work of these groups. Many of them have been supported by the international human rights bodies and experts, especially the UN Committee on ESCR. Despite several obstacles⁸, these groups have bridged human rights and development as their work has crosscut the traditional work of both development and human rights NGOs.

2.2.4 The Expansion of the Scope of Human Rights NGOs

Nelson and Dorsey (2003) argue that an overlapping area of human rights and development is evident in the expansion of the mandate of human rights NGOs, traditionally focused on civil and political rights, to include economic, social and cultural rights. Amnesty International, the largest human rights organization, for example, expanded its mandate to a full spectrum of human rights at the 2001 International Council Meeting (ICM)--the largest decision making body of the membership-based organization.

In 2002, Amnesty International USA adopted ESCR as a priority area of the section for 2002-2004, began to build capacity and working methods on ESCR, and launched a pilot action on global AIDS. Human Rights Watch, the second largest human rights NGO, also expands its work to ESCR. The organization has produced reports and campaigned on behalf of people living with HIV/AIDS in Africa since the late 1990s (Nelson and Dorsey 2003).

⁸ Such as, the ability to hold ESCR violators accountable—often powerful global economic actors, the need for comprehensive and long-term program in interdisciplinary issues, the lack of jurisprudence and standards, the lack of guides, and limited funding (Jochnick and Garzon 2002).

2.2.5 The Joint Campaigns of Human Rights and Development NGOs

One of the clearest spaces that human rights and development NGOs meet can be seen in their efforts to run joint campaigns. Two joint campaigns are argued to be the products of this initiative: the campaign on access to essential medicines of *Medicins Sans Frontieres* (Doctors without Borders) and the South African Treatment Action Campaign; and the campaigns for the right to water in Ghana, Zimbabwe, and Bolivia by a number of actors, including national level advocates, CESR, the Global Committee for the World Water Contract, and the Blue Planet Project (an initiative of the Council of Canadians). The authors explain that the collaboration has been made possible by two processes; first, the growth of new networks and organizations that explicitly link development issues to economic and social rights and second the expansion of traditional human rights NGOs' mandates to include ESCR (Nelson and Dorsey 2003).

2.2.6 The Right to Development

The right to development concept was one of the earliest convergences of human rights and development. Started in early 1970s, the right to development movement was initiated by Third World countries to establish legal and ethical foundation for redistribution of international resources. The movement also counter-argues the emphasis on civil and political rights of developed countries (Marks 1999; Hamm 2001a). After a long diplomatic negotiation, the UN General Assembly adopted the Declaration on the Right to Development (DRD) in 1986. The Declaration however is not legally binding and has no financial resource obligation attached to it. The right to development has received little support from rich countries as ten OECD members abstained from voting on the resolution, while the US voted against it (Uvin 2004).

The right to development continues to struggle for political support at the UN. Working groups, commissions, and expert panels on the right to development have been set up, producing reports that are only occasionally discussed in low-level meetings (Uvin 2004). Although the DRD brought together CP rights and ESC rights, as well as highlighting collective rights, it has its own serious problems of its own. One of them is that its language is vague and repetitive of other recognized rights (Hamm 2001a; Uvin 2004). Combined with weak political support, the right to development has very little practical use, except for rhetorical use by mostly third world governments and NGOs.

2.2.7 The Adoption of an RBA of Northern Development NGOs

Another space where human rights and development merge is in the adoption of an RBA by northern development NGOs. This started in the early 1990s and intensified in the 2000s. Jochnick and Garzon argue that despite various obstacles, development NGOs have been “moving quickly forward” in adopting an RBA, piloted by children development organizations as one of the earliest groups working on child’ rights. But most of the work of these hundred or so organizations has focused on rights to education and CRC monitoring and advocacy. A much smaller number work explicitly with a rights-based approach, among others, Save the Children, Plan International, and World Vision (Jochnick and Garzon 2002).

More advanced development organizations that work on an RBA approach include Oxfam GB, CARE, and ActionAid. For example, Oxfam has developed its strategic plans based on five groups of human rights enshrined in the UDHR and other international human rights standards. It has progressively introduced a human rights-based approach to its members and

partners. For its part Christian Aid has done “much RBA like work--empowerment, advocacy and campaign--but less reference to rights.”(Jochnick and Garzon 2002, 8) Other NGOs, such as Rights and Humanity, act as catalysts to the adoption of the approach by providing advisory services, policy research, and information.

Since the late 1990s, a human right-based approach to development became the central point of discussion among leading development NGOs. While some still take the “wait and see” approach and look at the approach with suspicion, others have committed to adopt the approach and change their organizations accordingly.

2.3 WHY DO NGOs ADOPT AND NOT ADOPT A HUMAN RIGHTS-BASED POLICY AND PROGRAMMING?

The issue of why development NGOs adopt an RBA is not a central issue of the debate, compared to the theoretical debate of what the implications of an RBA are. That is, there is little debate presently on why development NGOs actually adopt an RBA. To date, most of the available writings only suggest why development NGOs *should* adopt an RBA based on conceptual interpretation, experience and existing knowledge, but not based in empirical study.

2.3.1 The Reasons for Adopting an RBA

Amartya Sen is often cited as one of the earliest advocates for the integration of human rights and development. He is also credited with initiating a concept, which later developed into what is

known as a human rights-based approach to development. Nelson and Dorsey, for instance, note that Sen has contributed to the theory of entitlements, applying the principle of rights and capacities to the workings of state and market (Nelson and Dorsey 2003). Marks points out Sen's contribution on development theory is that development is not the acquisition of goods and services, but is instead enhanced freedom to choose and to lead the life one values. He argues that Sen's work on "the capability approach" leads to an RBA.

Many writers suggest different reasons for why a human rights-based approach should be adopted. These arguments are summarized in the following discussion.

2.3.1.1 "Added value": The most frequent explanation for adopting an RBA by academic, private researchers, and practitioners is that an RBA adds value to existing development work. The added value is identified as: first, an RBA emphasis on accountability covers not only receiving governments, but also bilateral and multilateral donors, private contractors and development agencies (HRCA 1998; Frankovits and Earle 2000; Hamm 2001a). Second, an RBA has internationally accepted human rights standards to offer as a common framework for assessing and guiding sustainable development (HRCA 1998; Frankovits and Earle 2000; and Hamm 2001a). Third, by adopting an RBA, development donors and actors could have a wider legitimacy in advocacy and other work in the realization of human rights. Fourth, an RBA to development emphasizes participation as a human rights issue (HRCA 1998; Frankovits and Earle 2000). Finally, Hausermann points out that an RBA is valuable because it brings into the picture people who would otherwise be without protection. It offers "a solidaristic way of interrelating to the 'otherness' of people" (Hausermann 1999).

Similarly, Van Tuijl (2000) argues that development NGOs should move toward adopting a human rights framework because it offers shared perspectives and shared language that NGOs need in order to “enter the global dealing room” in an era of globalization (van Tuijl 2000). The UNDP argues that an RBA should be adopted because it adds shared goals and values to its human development model and because human rights and human development contribute to one other (UNDP 2000).

2.3.1.2 The Evolution of Charity Organizations: Harris-Curtis explains the emergence of an RBA within northern development NGOs as an organizational evolutionary path. Citing Hugo Slim, Harris-Curtis traces the evolution of charity organizations in the west from slavery abolitionists to the protestant ethics of the Salvation Army to the present time. Overall, the movement has become more political. That is, there is a move from a needs-based approach—supposedly apolitical—to a human rights-based approach—supposedly more political. Harris-Curtis provides no explanation of the basic situation or the condition that triggered the evolution, but she does assert that the evolution to a rights-based approach is made possible by two factors. One factor is the more sophisticated understanding of rights, altering society’s perception of the poor as those to be helped to those whose rights are denied. The other factor is the availability of financial resources for human rights-based activities (Harris-Curtis 2003).

2.3.1.3 Fitting the Faith and Lacking of Faith: Another explanation for why development NGOs adopt an RBA is also from Harris-Curtis (2003, 560-2). She argues that faith-based NGOs, such as Norwegian Christian Aid, have long implemented an RBA. The organization has adopted a human rights-based approach in its work not because it has human rights as the

principle value, but because it has the Bible as its base value, of which human rights is a part. Evidence for this line of thinking is drawn from Christian Aid, the second largest UK-based NGO, whose annual report argues that there is no contradiction between a target-based approach and a human rights-based approach. The organization announced at the 50th anniversary of the UDHR that rights for all was “made in the name of God” (McGee 2003, cited in Harris-Curtis 2003).

Harris-Curtis argues further that secular NGOs lack the value systems that Christian organizations have. In the context of the post-cold war, where there is little political affiliation, secular NGOs may seek an identifiable value base, and human rights fit this search for value. This provides a rationale for why secular NGOs adopt a human rights-based approach to development.⁹

It should be noted, however, that if Harris-Curtis is right, there might be a difference between Scandinavian and US or UK faith-based NGOs. As in this study, out of eleven US and UK faith-based NGOs that are in the top 30 largest NGOs in terms of annual revenue, none of them have adopted an RBA, including Christian Aid.

2.3.1.4 An RBA enhances sustainability and effectiveness: This is one of the earliest arguments made to the development community by Frankovits and Earle. As international development aid has mostly failed to achieve the target of 0.7 % of GDP from industrialized countries, this argument directs the development community to focus on ensuring the sustainability and effectiveness of development projects. The authors explain their argument:

⁹ The author also quote Keown’s argument that “concern for human rights is a post-religious phenomenon which has more to do with secular ideologies and power politics than religion” in Keown D., 1995, “Are There ‘Human Rights’ in Buddhism?,” *Journal of Buddhist Ethics*, 2: 3, 3-27 in Harris-Curtis 2003, 561-562.

“This is precisely what a human rights approach to development assistance can deliver. Acceptance and use of a human rights framework through good project design and implementation will identify more accurately areas of greatest needs and enable better monitoring, greater accountability and stabler societies.” (Frankovits and Earle 1998, 80-81)

Cheria, Petcharamesree, and Edwin echo the point, claiming that RBAs are much more cost effective, because they help secure a part of government resources for the most vulnerable, which is “one of the best-kept secret of the rights-based approach.” The authors add that an RBA “gives better return on investment even in the medium term. For every unit of currency spent, the direct returns are likely to be at least four times. Instances of up to twenty times have been demonstrated. This is difficult for a welfare approach, where direct returns can at best be 1:1.” (Cheria, Petcharamesree, and Edwin 2004, 97).

Unfortunately, to date, there is no empirical evidence to conclude that an RBA is: (a) more effective; (b) more sustainable; (c) more “genuine.” In fact, a dilemma of an RBA is that it may produce less visible results in comparison with traditional approaches. An advisor of Save the Children Sweden notes that donors want to see impact on children, but an RBA makes it more difficult to measure the impact, as it focuses on changes in laws, policies, and attitudes (Geidenmark, 2000). There seems to be a tacit acknowledgement within the international NGO community that the effectiveness of an RBA remains an unknown and that questions about effectiveness can be answered only by measuring the implementation of piloted sectoral and country programs (Frankovits and Earle, 2000). And, concurring, Jochnick and Garzon posit that there is little empirical evidence to prove that RBA programs are more sustainable and effective (Jochnick and Garzon, 2002).

2.3.1.5 Funding Reason: Harris-Curtis argues that NGOs are taking a human rights-based approach because there are donors who are willing to support them in this. The Department for International Development (DFID) was used as an example. The author sums up this factor by asking: “Would NGOs be quite as ready to attach themselves to a rights-based approach, if the precedent had not been set by their biggest donors?”(Harris-Curtis 2003, 560)

Harris-Curtis’s argument contradicts Jochnick’s and Garzon’s observation that although many donors, especially bilateral development agencies, have turned to endorse an RBA, in general there have been few donors supporting the use of RBA within development NGOs. Jochnick and Garzon note that some donors are skeptical about human rights. USAID, for instance, “may also significantly deter groups from taking an RBA” (Jochnick and Garzon 2002, 5).

However, an empirical study of “trends in UK NGOs” confirms Harris-Curtis’s argument that there is increased funding for a rights-based approach and advocacy agenda. In some case this is seen as a prerequisite to receive grants. The Civil Society Challenge Fund (CSCF), for example, new criteria stresses an advocacy and rights-based approach to development.¹⁰

2.3.1.6 “Moral High Ground”: Peter Uvin has emerged as a leading critic of the movement towards a rights-based approach to development. For Uvin, the widespread use of human rights language among development agencies—including international financial institutions, multilateral, bilateral and development NGOs--leads them to a position of “the moral high ground.” Taking the moral high ground insulates development agencies and protects them from addressing the failure of development in the past forty years. Development agencies can also

¹⁰ Tina Wallace, 2003, “Trends in UK NGOs: A Research Note,” *Development in Practice*, Volume 13, Number 5, November, p. 565. The author also notes that UK NGOs have faced a situation where there is decreasing money for their work, more competition, and more rules and reporting, while there is less room for their own agenda, on the contrary, UK donors have imposed their own agendas on grant applications, with advocacy and rights-based approach as their new focus.

benefit from adopting this approach due to the appeal of human rights, which can in turn better secure their funding while they do not have to change the way they do business.

Uvin argues that all three levels of the incorporation of human rights to development—the “rhetoric type”, “good governance type”, and Sen’s “development and freedom” type—do not lead to significant changes in development practice or impacts. The “rhetoric type” claims that their work automatically contributes to the realization of human rights. The “governance type”, led by the World Bank, offers nothing new. In fact, it is “explicitly designed to be the complement, the political extension of structural adjustment programs” (Uvin 2002, 21). It allows development agencies to argue that the failure of development is not related to structural adjustment policies themselves, but because developing countries, lacking good governance, failed to implement these policies. Finally, by analyzing the strategies of UNDP, the organization that is the home of Sen’s thinking, Uvin argues that the ‘Sen type’ offers an inspiring, insightful and intellectual framework, but provides no link to any implications, practical guidelines, or obligations.¹¹

For Uvin, the recent human rights talk of the development community is an adjustment of the industry, pushed by the criticisms of the failure and exacerbation of poverty after half a century of development assistance. This time the industry is in search of higher moral ground, as he concludes:

The prime reason why development agencies adopt such language with its deliberate obfuscations is, of course, to benefit from a moral authority and political appeal of the human rights discourse. The development community is in constant need of regaining the moral high ground in order to fend off criticism and mobilize resources. As development community faces a deep crisis of legitimacy among both insiders and outsiders, the act of cloaking itself in the human rights mantle may make sense, especially if it does not force anyone to think or act differently.” (Uvin 2002, 21)

¹¹ For a good debate on the Sen and the UNDP—home of Sen’s thinking, particularly their contributions and limitations, as well as an explanation for why many writer keep quoting Sen, see Uvin, 2004, pp. 124 – 128.

2.3.2 The Reasons Not to Adopt an RBA

To date, there has been no study of why development NGOs do not or should not adopt an RBA.¹² An argument put forward by Swift is that although an RBA is important, it would be wrong for the development community to adopt an RBA. This is because development NGOs are not ready for the approach. More importantly, the timing is not right. Swift argues that for an RBA to be a successful approach, four conditions have to be met. First, human rights have to be fundamental and universal, but the reality is that many legal instruments have not been ratified universally and that the definitions of human rights are still Northern-biased. Second, there is still the issue of justiciability.¹³ For an RBA to be an appropriate approach, it is essential that rights are defined clearly enough to plan, establish infringement, and take remedial action. Third, it is still not clear what duty bearers have to remedy and dereliction, especially for ESCRs. Fourth, an RBA needs an effective legal framework to provide redress. But such a framework does not exist (Swift 1999).

Paul Farmer does not directly propose that an RBA should not be adopted, but argues that it is less preferred, compared with a traditional need-based approach. He argues that those who talk about human rights violations and those who suffer from them are usually two different groups of people. The former often neglects the immediate needs of the latter. Moreover, the legalistic approach of human rights often takes time, while the “name and shame” method does not always succeed. There are immediate services for human rights victims that need to be delivered. They deserve these services here and now—with or without the legal or social guarantee that an RBA wants to achieve (Farmer 1999, 2003).

¹² However, there is an observation made by Jochnick and Garzon (2002) that US-based groups “have been less open” to an RBA to development and ESCR than Europe-based groups. There was no explanation why they are less likely to adopt an RBA.

¹³ An important argument against this point is that “the absence of justiciability does not mean a human rights ceases to exist. For a good debate on justiciability, see Uvin 2004, 132-134.

2.4 THE FACES OF A HUMAN RIGHTS-BASED APPROACH TO DEVELOPMENT

2.4.1 RBA as a solution to crises of aid systems

The most prominent introduction of a human right-based approach to development in the 1990s came from the Human Rights Council of Australia (HRCA), when Frankovits and Sidoti introduced “The Rights Way to Development: A Human Rights Approach to Development.” It was seen as a groundbreaking step towards a human rights-based approach to development. The authors started to build up the RBA as a critique of the aid system by arguing that international development assistance is facing at least three problems. First, it is preoccupied with conditionality in its most negative and punitive form. Modern development assistance equates civil and political rights to human rights, and as a result emphasizes strengthening “law and order,” which is not enough to fully realize goals of development. Second, the debate on the relationship between development assistance and human rights is a conceptual abstraction. Many aid officials struggle with definitions of human rights, while in fact, clear definitions and state obligations have been laid out in the international human rights laws. Third, aid officials are imbued with the “management of aid,” which at times undermines the sustainability of human rights goals (Sidoti and Frankovits 1995, 6-7).

The authors critique the arbitrary nature of aid and argue that arbitrariness is the principle flaw of development aid. That is, development assistance policy and programming very much depends on the perception of ‘*the need*’ that aid officials see. There is no internationally-accepted framework. This is where the body of an international human rights framework, which

is the only agreed upon international framework that has a coherent body of principles and practical meaning for development assistance, can contribute to the development world (Sidoti and Frankovits 1995). In order to address the weakness of the aid system, they argue that there needs to be a re-conceptualization of the relationships between development and human rights. They argue that human rights are not simply program components alongside other development themes, but rather that development is a subset of human rights (Sidoti and Frankovits 1995).

Sidoti and Frankovits argue that a human rights approach changes the relationship between the people, the recipient governments and donors/NGOs. People move from passive “beneficiaries” waiting for charity or justice, to the holders of the rights to live with human dignity (including the right to live without poverty, the right to food, housing, education, healthcare, and the right to participate in all decision making that affects their lives). The state roles change from an aid recipient or a coordinator of benefits delivering services to the people, to a primary duty holder. States must fulfill the rights of the people and must reach out to the international community if they do not have enough resources. The roles of international donors and NGOs change from aid givers or implementers to supporters, advisors and assistants to the governments to fulfill their duty (HRCA 1989; Frankovits 1999, 2000).

The HRCA perspective is comprehensive. The approach can be characterized as a full integration of human rights and development, aiming to close the gap between them so that in the future there should be no distinction made between human rights and development NGOs. The proposal to close the gap is welcomed as some agree that the dichotomies between development and human rights organizations hamper successful work on the realization of human rights, particularly ESCR (Browner 2001).

The HRCA approach has gained large acceptance in international circles¹⁴. However, not everyone agrees with the approach. While agreeing that RBA can solve aid problems, Sano argues that by completely merging human rights and development as the HRCA approach suggests, both human rights and development will lose their different traditional characteristics, in that the two disciplines have developed from different starting points, aimed at different goals, and driven by different processes. Browwer agrees with Sano. She asserts that both development and human rights have their own strengths, which should be maintained. They do not have to give up all their identities (Browwer 2001). Sano proposes a partial integration of the human rights and development approaches so that both will retain their respective strengths and characteristics.¹⁵

For the HRCA, a key problem of current aid practice is that it uses a need-based approach. It argues that policies and programs that rest primarily on a perception of need and powerlessness will subtly reinforce the powerlessness of the recipients, casting them in the role of being given charity, instead of receiving the rights to which they are entitled (Sidoti and Frankovits 1995). There is, however, a need-based approach that comes in the name of a rights-based approach. A good example is that of the International Movement ATD Fourth World, which claims that poverty is a violation of human rights and emphasizes partnership with the poor. But its development framework is still based not on international human rights laws, norms and instruments, but on the needs of the poor, or in its own terms, “basing projects on the

¹⁴ HRCA and its staff were invited to run workshops and write background papers for several key conferences and workshops, including the 1998 Oslo Symposium on Human Development and Human Rights, the 1999 Colombo Workshop and Seminar, the 2000 Stockholm Workshop on the Human Rights Approach to Development Cooperation, the 2000 Inter-sessional Workshop on Economic, Social and Cultural Rights and the Right to Development in the Asia-Pacific Region Workshop in Yemen. In addition, the UNDP and the OHCHR have invited HRCA to conduct human rights assessment and develop a pilot human rights-based UN Development Assistance Framework (UNDAF) in Nepal.

¹⁵ The three foci of the integration of human rights and development that Sano proposes are on protection of individuals and groups against power exertion, on non-discrimination, equal opportunity and participation, and on enabling support that allows individuals and groups to lead a life of dignity. See, Sano 2000, 751-52.

aspiration of the poorest.”¹⁶ Some believe that there is no conflict between a need-based and a rights-based approach. Hamm, for example, argues that what an RBA brings is “less in content than in understanding that to meet one’s basic needs is a claim and not a matter of charity.” Therefore, Hamm calls for the integration of “poverty reduction and basic needs” into an RBA (Hamm 2001a, 1025-26).

HRCA also distinguishes the human rights approach from a welfare approach. The former involves the concept of entitlement, while the latter does not. Moreover, HRCA encourages stakeholders to use human rights language for it leads governments to accept the nature of their obligations and provides people with a standard by which their government can be measured (Frankovits 2000).

2.4.2 RBA and Governance

RBA has been discussed in connection to the concept of governance. While some organizations believe that RBA and governance fit well together, others argue otherwise.

The discourse on governance has rapidly gained acceptance in development circles. Several development agencies have taken it as their organization’s goal. The concept can be translated into development programs, such as rule of law, accountability, access to information, efficient public services, transparency, suppression of corruption, and effective financial reporting. The concept of governance emerged in the 1980s as an answer to: why, while billions of dollars have been poured into developing countries, has there been little progress in

¹⁶ Neither the issue of human rights assessment nor the need to develop human rights indicators to enable human rights programming is mentioned in the report. The International Movement ATD Fourth World, 1999, “Redefining Human Rights-based Development: The Wrenski Approach to Partnership with the Poorest,” document prepared for the United Nations, Division of Social Policy and Development, Department of Economic Social Affairs.

development? The concept is centered on the World Bank, who defines the term as “the manner in which power is exercised in the management of a country’s economic and social resources for development.”¹⁷

The HRCA argues that in practice the concept of governance carries with it great weight in terms of efficiency and management, implying that effective use of resources should be strengthened. While governance guides *how* resources should be used, it does not provide a framework of *what* resources, and *why* they should be used. Moreover, the concept does not carry the notion of entitlement of the individual human being, which might be in conflict with the notion of economic efficiency.

Sodoti and Frankovits argue that the concept of good governance lacks “real significance” and does not add anything new to what already been agreed on as government responsibilities and how they should behave. It was already widely acknowledged before the term was introduced that a government should be accountable to the people, be effective, and be transparent. The concept falls short, as it has been linked to aid conditionality, which moves development away from the realization of human rights. It reiterates civil and political rights, and at times, suggests that civil and political rights are all human rights (Sidoti and Frankovits 1995, 43-46). The authors argued that while good governance is essential to development cooperation, it must be understood more broadly than economic efficiency and good management.

While the HRCA holds that the concept of governance does not hold water, Hamm argues that good governance strengthens the rule of law, which for the author is a precondition of and integral to the realization of human rights. Hamm supports the UNDP and UNICEF’s

¹⁷ The Lawyers’ Committee for Human Rights, 1993, “The World Bank: Governance and Human Rights,” p. 47, cited from Sidoti and Frankovits, 1995, 44.

position in including governance in their RBAs and includes governance as one of the four components of an RBA.¹⁸

2.4.3 RBA and Good Development Practice

The debate on RBA also touches upon good development practices. Some writers argue that a human rights-based approach is not new and that it is the same as good development practice, especially its strong emphasis on participation and capacity building. Others argue that there is significant difference between a human rights-based approach to development and good development practice.

The difference in interpretation lies in the concept of participation and capacity. Traditional development practice contains participatory elements in their work. They regard participation as a tool to achieve the necessary relevance and effectiveness of development programs. In a human rights-based approach, participation is seen as a right in itself. It is grounded in the concept of entitlement,¹⁹ which implies a goal in itself and crucial to all development programs. The key difference is that for a human rights-based approach, participation is not an option and is a goal in itself. In addition, participation in a rights context must include the most marginalized and poor, and ensure the distribution of equity (Sidoti and Frankovits 1995, 29-30; Frankovits and Earle 1998, 179-194).

Similarly, traditional development has the component of capacity building of communities and grassroots organizations. The aim is to help the communities, grassroots

¹⁸ The other three components are the use of human rights treaties as a reference; non-discrimination; and participation and empowerment. See, Brigitte I. Hamm 2001a, 1011.

¹⁹ For instance, in the Declaration on the Right to Development, participation is guaranteed for “every human person and all peoples” in the first article.

organizations, and the people to be able to help themselves or to be able to provide themselves with needed services. Capacity building in a human rights-based approach aims primarily at assisting people to claim their rights. In other words, capacity building in an RBA approach stems from the notion of empowerment to the poor, aiming for not only the ability to sustain oneself, but also the additional capacity to influence public policies and make claims in defense of one's rights (Jochnick and Garzon 2002). Many NGOs grasp the difference and are working to reinvent existing capacity building programs from a self-help perspective to a perspective of claiming rights.

Goal setting is another way to differentiate good development practices and a human rights-based approach. The goals of good development practice can be set by NGOs, bilateral development agencies and the government, based on the scope of their wishes and interpretation and without referring to any standard. For instance, a goal can be to improve the attendance rate of girls' school enrollment in Vietnam from 55% to 70% by 2010. By contrast goal setting in a human rights-based approach must be comprehensive in scope. That is, an RBA program cannot focus only on school enrollment rates. It must also include other elements of education goals, including personality development and a realization of the potential of the human persons, the choice of education, sufficient teachers, text books and supplies, and other components to respect, protect and fulfill all dimensions of the rights to education of the girls. Rephrasing the development goal in the language of an RBA, the goal of 70% school enrollment means that the goal is set to have 30% discrimination of the rights to education of girls in Vietnam.

The HRCA argues that there are similarities between good development practice and a human right-based development. However, there are sufficient differences to distinguish between the two. In addition to a difference in terms of participation and capacity, there is difference in

goal setting, processes, and most importantly, the recognition of the concept of entitlement and holding the state accountable, which is at the heart of a human rights-based approach.

2.4.4 RBA as a challenge to the market-dominated development

Nelson and Dorsey (2003) seem to be the first writers to present an RBA as a challenge to the market-oriented development model led by the IMF and the World Bank. The authors illustrate how different human rights frameworks can challenge the economic efficiency and market models by using the case of privatization of water versus the right to water and other campaigns including the campaign for access to essential medicines, which are jointly organized by development and human rights NGOs. They argue that with the internationally-accepted framework to protect the marginalized and the poor, an RBA has implications that go beyond development aid and can challenge other dimensions of market-led development, including trade, intellectual property rights, finance, natural resources, information and the interaction of market institutions with public interests.

2.5 HOW TO IMPLEMENT A HUMAN RIGHTS-BASED APPROACH TO DEVELOPMENT

The dialogue on how to implement an RBA is dominated by the interpretative framework of what can be called a first generation of RBA interpretation, proposed by the Human Rights Council of Australia (HRCA) in Sidoti and Frankovits (1995) and Frankovits and Earle (2000).

This HRCA RBA interpretation is based primarily on international human rights laws, particularly the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Its RBA is, in essence, an excellent and ideal articulation of the operational side of ESCR, particularly on how ESCR can be realized by development NGOs. This interpretative framework of ESCR-oriented RBA is comfortably adopted by human rights NGOs, such as Foodfirst Information and Action Network (FIAN), which already uses the framework and instruments of ICESCR (Hamm 2001b).

2.5.1 Implications of an RBA on Development Policy and Programming

The HRCA was one of the earliest entities to move further from the theoretical debate of an RBA to tackle the question of: how can development agencies actually implement an RBA? In so doing, the organization developed the first RBA manual, which has greatly influenced later writings on RBA.

Sidoti and Frakovits (1995) and Frankovits and Earle (1998) illustrate that human rights can be integrated into the development programming cycle: situation analysis; goal and objective setting; plans and programs; and monitoring and evaluation. What can be seen as a weak point of the manual is that it does not take into account particular local situations and the manual is still somewhat theoretical. Many NGOs have to adapt the implementation procedures to their organizations, while others believe they need more study on the implications of an RBA.²⁰

²⁰ For instance, APSO, CAFOD, Christian Aid, Concern Worldwide, Cordaid, MS Denmark, Norwegian Church Aid, Oxfam Great Britain, Novib, Save the Children Alliance, Save the Children UK and South research have collaborated in a research program with the International NGO Research and Training Center (INTRAC). The aim is to “uncover the implications” of an RBA for development NGOs (Harris-Curtis 2003, 563).

Among the implication identified below, some have been debated at great length, while some get mentioned as a quick list without a depth consideration of the practicality of the suggested implications. The arguments are summarized as follows.

2.5.1.1 State development goals in human rights terms: The HRCA proposes this step not only to integrate development and human rights goals together, but also to benefit from human rights norms and the accountability that comes with them. It is suggested that development agencies state explicitly that the goal of a development agency is to achieve the realization of economic, social and cultural rights as well as civil and political rights. If the agencies are donors, explicit statements will enable aid recipient governments to formulate their objectives in human rights terms (HRCA, 1998, ODI 1999, Hamm 2001a).

2.5.1.2 The use of international human rights standards: For HRCA, the agreed internationally accepted standard is one of the key reasons development agencies should adopt an RBA (HRCA, 1995). Others see the human rights legal framework as the ‘alpha and omega’ of an RBA (Hausermann 1999) and a “major innovation” given previous development policy (Hamm 2001a, 1025). It is generally agreed that this legal framework puts governments in the role of duty bearer with the responsibility to formulate strategies and plans for the fulfillment of all their obligations and to monitor the fulfillment and obstacles over time. Once they’ve adopted an RBA, the organization should make use of these human rights standards. Hamm (2001) points out that although there are many factors that are essential to an RBA, only the use of human rights as a frame of reference is new to development policy. This implies that development agencies that are using human rights as the content of development are accepting the legal

obligation of duty bearers (including of themselves), and are changing the policy dialogue between donors and recipients. However, to what extent this is happening remains unclear.

2.5.1.3 Participation: Participation is one of the most frequently mentioned implications of an RBA. It is often noted that in a right-based approach, participation must be genuine and be beyond mere consultation into development processes (Frankovits and Earle 1998; Nelson and Dorsey 2003). It is argued that participation of an RBA infers that human rights are an entitlement, not a choice, and that participation should be done in the human rights context, and not the management context. The idea is develop mechanisms to ensure people's voices in decision-making and to ensure their awareness of their rights and entitlements so that they can claim them. Hamm (2001) supports the distinction between traditional participation in development and participation of an RBA approach. She point outs that the essential difference is that participation in an RBA includes control of planning, processes, outcomes and evaluation. Participation in an RBA also requires other rights such as the right to education and the right to information as a precondition.

2.5.1.4 Empowerment: In adopting an RBA, empowerment becomes a crucial implication for development agencies in implementing an RBA. (Jochnick 2000; Hamm 2001a). Some go further, arguing that empowerment is a prerequisite for the poverty reduction of an RBA framework (Cheria, Petcharamesree, Edwin 2004).

The writing about empowerment in this context is not always clear, as the term can mean different things to different people. However, two ways of referring to empowerment can be summed here. First, by adoption of an RBA, people are automatically empowered because

development agencies acknowledge their human rights (Jones 2000). Second, by adopting an RBA, development agencies have to empower people, ensuring that people know their rights so that they can claim them (ActionAid 2000). Jochnick and Garzon (2002) argue that RBAs take empowerment a step further in working not only to generate sustainability for people, but also to build capacity for people to influence policies and lay claim to their rights. The first view is popular among scholars. It implies that there is not much more empowering work to do, as people are already empowered, and that the role of development agencies is not to help governments deliver their obligations. The second view is popular among development NGO and implies that empowerment is an application of RBA, and constitutes work to be done.

2.5.1.5 Address power relations: Some argue that the very heart of an RBA is the idea of addressing and challenging unequal power relations. Windfurh (2000), executive director of Foodfirst Information and Action Network (FIAN), points out that what distinguishes a human rights-based approach from general development work is that a human rights-based approach uses the relationship between a state and its citizens as a starting point. That is, the state is the duty- bearer, and the people are rights-holders. Implications of a rights-based approach must be understood in the context of this relationship. International human rights laws have already identified the obligations of duty-holders, particularly in the respect, protection, and fulfillment of rights, all of which are the bases for a human rights-based approach.

Nyamu-Musembi and Cornwall assess the extent to which international development NGOs and bilateral development agencies, including the UN, the World Bank, Sweden International Development Agency (Sida), the UK Department for International Development (DFID), CARE, and ActionAid, integrate human rights principles into their development

programs. They argue that within a broader aid system, including aid recipients and donors, as well as bilateral development agencies and development NGOs, that a human rights-based approach would “mean little if it has no potential to achieve positive transformation of power relations among the various development actors.” (Nyamu-Musembi and Cornwall 2004, 47)

Regarding how to address power relations, Nelson and Dorsey (2003) point out that the principle of accountability in development can be interpreted into practice as the accountability of NGOs themselves and that of donors and international agencies to whom NGOs and citizens are to be held accountable.

Accountability is central to human rights based approaches (HRCA 1995, 1998; Uvin 2004; Frankovits and Earle 2000; Jochnick 2000), yet little has been said about its implications, particularly how to hold duty-bearers accountable, or more pragmatically, how to strengthen accountability. This area of implication is one that may trap the RBA movement and keep it with nice rhetoric and little practice, the same way that the right to development movement and the UNDP have trapped themselves.

Windfuhr (2000) points out an important implication to an RBA, as a precondition, is the right and the mechanisms for people to complain and to hold their government accountable. He stresses that access to a process for registering complaints is essential for accountability. With a promotional, rather than violations approach, CARE would “hold those responsible for rights abuses by engaging them in dialogue and working steadfastly for positive changes in their attitudes, policies, and practices” (Jones 2000). What remains unclear, though, is how to actually “work steadfastly for positive changes.”

2.5.1.6 Less Service Delivery and More Advocacy: The concept of “less service delivery” receives less support than “more advocacy,” which is overwhelmingly subscribed to (Frankovits & Earle 2000; Uvin 2004). For Windfuhr (2000), advocacy is the complementary work to support victims of human rights violations and other affected groups in holding governments accountable. It should also be used to hold development policies and programs accountable to ESCR. Jochnick and Garzon (2002), however, note that RBAs do not necessarily entail advocacy, as there are other approaches, such as the violations approach espoused by Audrey Chapman. Nevertheless, the authors admit that RBAs are likely to bring more advocacy work to development agencies.

2.5.1.7 Non-discrimination: Non-discrimination is the backbone of human rights. Yet, it is not the most famous implications of an RBA mentioned by development scholars. There are more writings on operationalizing non-discrimination from development NGOs, which will be discussed in later chapters. Hamm (2001a) is one of a few who suggest that when a development agency adopts an RBA, it should also develop programs to promote equality and fight discrimination. Similarly, the UN ECOSOC notes that RBA emphasizes non-discrimination, especially in the context of gender issues (UN ECOSOC 2003).

2.5.1.8 Target - selection: Focus on the most vulnerable and marginalized: An RBA is believed to lead to a more effective way of targeting services to the most vulnerable (Frankovits and Earle 2000; Theis 2002; and UNECOSOC 2003). An RBA is very relevant to the protection of specific marginalized groups, such as indigenous communities, landless persons, and the elderly, as RBA programs will start out by identifying specific group who are vulnerable to the

violation, deprivation, and neglect of their specific ESCR. (Windfuhr, 2000). CARE supports this application: “A rights-based approach deliberately and explicitly focuses on people achieving the minimum conditions of living with dignity. It does so by exposing the root causes of vulnerability and marginalization and expanding the range of responses” (Jones, 2000).

2.5.1.9 Access: A way to fulfill ESCR is to create, improve, and ensure people’s access to services and resources. This implication of an RBA is often overlooked. Frankovits and Earle (2000) warn us that the Committee on Economic, Social, and Cultural Rights stresses the importance of enabling and ensuring access in realizing human rights, except for people who are unable to provide for themselves and therefore should receive priority and immediate support.

2.5.1.10 Human Rights Education (HRE): Broadly speaking, HRE can play an important role in establishing human rights principles among governments, international organizations, NGOs, donors, and people affected by development projects (Nelson and Dorsey 2003). HRE and trainings are needed in the RBA business as people have to know their rights “so as to be able to hold duty-bearers to account” (Butegwa, n.d., 9). Awareness of human rights is a prerequisite of the achievement of RBAs (Jones 2000). In the same vein Hamm (2001) goes stronger by arguing that HRE is a must because participation requires it. She quotes an expert from the German Ministry of Economic Cooperation and Development (BMZ), who notes that development experts in his ministry lack knowledge of human rights and thus they are not in a position to implement an RBA. Hamm argues that in order to adopt an RBA, HRE is essential so that staff can be familiar with human rights standards, including human right laws and their monitoring and implementation mechanisms.

2.5.1.11 Becoming More Political and Confrontational: In general, it is widely agreed that by adopting an RBA, an organization is likely to be more political (Geidenmark 2000; Uvin 2004). CARE argues that there are two approaches in terms of practical implications of embracing an RBA: the violation approach, which focuses on denouncing human rights violations and on enforcement through legal remedies; and a promotional approach, which focuses on positive engagement with the governments, non-state actors, civil society, marginalized communities, and the poor, in the pursuit of their human rights through cooperation, education, dialogue, and advocacy. CARE adopts the second approach (Jones, 2000). Rights and Humanity supports a non-violation approach, arguing that a violations approach “leads to criticisms and censure, experience of the promotion and realization of human rights in development indicates the need for an additional approach—one that is based on constructive engagement and respect” (Rights and Humanity 2000).

Some scholars call for a balance between the two modes: cooperation and confrontation. The suggestion is that development practitioners do not have to use a confrontational “naming and shaming” approach as used by leading human rights NGOs, but they should pursue a cooperation approach with governments. This cooperation is already identified in the human rights treaties. Once the cooperative mode is set up, it would then be “possible to gauge when and how to draw attention to violations.” Only in the exceptional and extreme cases should development NGO shift to a confrontational or an accountability mode. An assumption here is that power relations—of the state and the poor—can be or will be changed after an NGO cooperates with the state (Marks 2003, 28).

2.5.1.12 Partnership: As an implication of RBAs, five points have been made in regards to partnership and an RBA. First, RBAs brings stronger partnerships because all parties have to work towards shared common goals. Human rights goals are one hundred percent goals (a 95% enrollment of education means 5% are acceptably discriminated). Human rights goals are also comprehensive covering broad dimensions of certain rights (such as the right to education includes access to educational institution, curriculum development, teacher trainings, nutrition and sanitation at schools, academic freedom, and so on), making it almost impossible for an individual development agency to realize such rights on its own. (Theis 2002).

Second, an RBA movement calls for greater partnership among development and human rights communities. This call is based on one of the most fundamental principles of the human rights approach; that is, the principle of human solidarity that underpins the universality and interdependence of human rights. This solidarity, based on human rights, carries special moral and political weight. The principle of accountability also implies cooperation in the fulfillment of human rights. That is, an RBA increases the need for greater coordination among donors, civil society, ministries, international financial institutions, and emerging trade and investment regulatory bodies. (Frankovits and Earle, 2000). The idea is that the development community shares the same goals based on international human rights standards, which are so comprehensive, interrelated, and interdependent that no one organization or state can fulfill all human rights obligations by itself, and therefore needs partnerships. CARE, for instance, notes that after adopting an RBA, it would increase its partnerships with civil society (Jones 2000).

Third, RBA NGOs should not keep human rights principles only to themselves. They should be applied to all partners. The principle of accountability, for instance, must be applied to

all. In practice, the question of how to manage changes in the relationships of partners and governments remain common concerns of development NGOs (Frankovits and Earle 2000).

Fourth, an RBA calls for changes in choices of partnerships (Geidenmark 2000). Human rights criteria should be established in order to choose local partners. There must be congruence between action and rhetoric, that is, partners must be organizations that themselves are governed by human rights goals, principles, and values (Uvin 2004). Uvin argues further that the choices of partnership that an RBA brings should include the system of funding relationship. That is, this relationship should be based on a long-term commitment, giving local NGOs and Community Based Organizations (CBOs) significant power to make decisions regarding the nature, path and pace of the goals of the support (Uvin 2004).

Finally, for international development NGOs and donors, an RBA calls for a greater role in supporting local NGOs, instead of implementing their own projects. This change in emphasis brings, for instance, important changes to Save the Children Sweden (Geidenmark 2000). Uvin (2004) agrees that supporting local NGOs, especially local human rights NGOs, integrate human rights principles into their development programs, so that they can monitor, promote, and protect human rights in their countries, is a valuable potential offshoot of an RBA.

2.5.2 Implications of an RBA on the Programming Cycle

2.5.2.1 Human Rights Analysis: An implication of adopting an RBA is that development priorities are set by analysis of rights (Nelson and Dorsey 2003), using a human rights framework in a situation analysis (Frankovits and Earle 1998). Instead of a needs assessment, a

human rights situation analysis should be carried out, using information on human rights in particular countries. This information can take the form of reports that the state delivers to committees of human rights treaties and statements by these committee; documents produced by country and thematic UN reporters; investigation reports by NGOs and media reports. The goal of this human rights situation analysis aims to address the root causes of poverty and to address discrimination and marginalization. (Frankovits & Earle 1998, 2000; Hamm 2001a).

Some argue that an RBA analysis helps make traditional development analysis “more effective and complete,” particularly due to its analysis of powerlessness and social exclusion (Cheria, Petcharamesree, and Edwin 2004, 97). Howells (2000) adds that without “some kind of emergency analysis” such as vulnerability analysis, an RBA is likely to be ineffective. In general, it is agreed that human rights analysis was “one essential component of a human rights based approach and that this should be based on the legal framework as codified in the international human rights instruments and principles” (Frankovits and Earle 2000, 8).

The HRCA outlines a way to understand specific conditions by analyzing the extent to which governments’ obligations to respect, protect, and fulfill human rights have been conducted. This analysis should consider the level of commitment to international human rights standards, the local legislative framework, and the administrative framework. The analysis should ask, for instance, is there discrimination in laws, policies, and practices? Can individuals and communities rely on the protection of the state? What are the obstacles to the realization of human rights? (Frankovits and Earle 2000; Uvin 2004)

The Frankovits and Earle version of situation analysis is based mostly on international human rights standards. In fact, this version of situation analysis is very close to developing a country human rights report to submit to a UN treaty committee, and is very different from

traditional situation analysis with which development people are familiar—to assess the needs of the poor in selected areas. The Frankovits and Earle version requires a good understanding of human rights, especially ESCR, and the capacity to produce the ESCR report. This package is comprehensive, well-thought out and it asks for radical changes in situation analysis. It therefore poses a big question as to whether development agencies are willing to make such changes.

2.5.2.2 RBA Evaluation: An RBA evaluation is one of the least clear and least developed implications of an adoption of an RBA. In general, this implication is meant for development agencies to evaluate the outcomes of development based on human rights and participation. The HRCA manual does not go very far in elaborating on developing an RBA evaluation, as it simply suggests sources that may be useful for development agencies in developing their evaluation indicators. The manual introduces brief examples, using many UN human rights tools (Frankovits and Earle, 1998). Hamm (2001) points out the importance of the development of benchmarks in order to measure progress in the realization of human rights, which is still lacking. For Hamm, an RBA implies that there are issues of “immediate” and “progressive” implementation, especially of economic, social and cultural rights. What is clear is that much work is yet to be done on the development of an RBA evaluation framework and methods.

2.5.3 Experiences of Implementing an RBA from the Ground

Several authors have made the observation that there have been many documents on RBA in theory, but little empirical study (Jochnick and Garzon 2002; Frankovits and Earle 2000). There have been a number of writings focusing on the implications of an RBA, but there has been little

research on how NGOs actually go about implementing one. Jochnick and Garzon (2002) also note that there have been an increasing number of case studies written by development NGOs, most of them showing what could/should be done or how an RBA was implemented. Little, however, has been done to date on measuring the impact. Northern development NGOs have documented their experiences, mostly on a country-based approach, including CARE,²¹ ActionAid²² and DFID²³--but none have tried to measure the effect of their work.

Jochnick and Garson observe that in adopting an RBA, development NGOs have prompted a huge amount of discussion and theoretical papers, but very little sharing of operational experience. The authors sum up the situation as “all talk and little action.” In the same paper prepared for CARE and Oxfam America, it is noted that so far in adopting an RBA development NGOs have not “so much expanded their substantive focus, but rather added an international element to their existing democracy rights advocacy” (Jochnick and Garzon 2002, 5).

Hausermann (1999) notes that many RBA-adopting agencies have found the approach useful politically and that there has been much successful work done, such as on children’s rights, minority rights and HIV/AIDS.

²¹ CARE USA contracted with a consultant to do case studies in five countries: Uganda, India, Burundi, Vietnam, and South Africa. See, Jude Rand, “CARE’s Experience with Adoption of a Rights-based Approach: Five Case Studies,” paper submitted to CARE USA RBA Initiative in fulfillment of Contract # 0010002131-1, 21 June 2002.

²² Also through a consultant, ActionAid did case studies in two countries: India and Vietnam. See, Sriprapa Petcharamesree and Peter Rosenblum, 2003, “Report of the Follow-up Visit of Rights-based Approach to Development” ActionAid India and Vietnam, May.

²³ Laure-Helene Piron, “Learning From the UK Department for International Development’s Rights-based Approach to Development Assistance,” Overseas Development Institute, 2003.

2.5.4 The Cultural Factor

As mentioned earlier, Sen's writing on poverty has been regarded early advocacy for the application of human rights principles into development work. However, no other writers have picked up Sen's warning on cultural specificity until Harris-Curtis asserted four year later that it is probably the most important reason that human rights and the RBA are contentious (Harris-Curtis 2003).

Sen raises three critiques of human rights when it comes to the development world: the legitimacy critique, the coherence critique and the cultural critique. The core argument of the cultural critique is whether the moral authority of human rights is conditional to the nature of acceptable ethics. In the other words, the question is on the universality of human rights (Sen 1998).

The fact that an RBA is written mostly by educated, institutionalized members of the western development community creates some doubt whether this approach would be recognized and received by southern civil society organizations. Citing Slim, Harris-Curtis argues that despite human rights being called indivisible, there is evidence in developing countries that they are not recognized very much by the poor. Some recognized needs and not rights, while some perceive rights as civil and political rights and not ESCR. Harris-Curtis suggests that northern development NGOs should not treat their RBA in a normative way. Rather, to be successful, Northern NGOs need to listen to the poor and local NGOs in developing countries and try to understand rights from their perspectives (Harris-Curtis 2003).

2.5.5 Obstacles of Implementation

As there have been few lessons drawn directly from experience, most writings on obstacles to the implementation of an RBA can be considered logical forecasts drawn from existing knowledge. From these writing, four major obstacles are expected. The first obstacle is a result of an inadequate understanding of RBA and a lack of expertise in using legal frameworks and human rights, as program staff are primarily trained to deliver services, transfer resources, and provide technical assistance, rather than advocating for people's human rights. (Jochnick and Garzon 2002; Frankovits and Earle 2000). Second, there may be resistance from staff members who have to change from traditional service delivery to an RBA, requiring greater transparency and accountability to beneficiaries (Jochnick and Garzon 2002). Third, the awareness of ESCR among donor agencies is still at a very rudimentary stage (Frankovits and Earle 2000). The fourth point is that it's projected that an RBA faces a great challenge in that the approach entails confrontation, which carries its own challenges (Langenkamp, n.d.). Fifth, an important barrier to the success of RBAs, faced by Save the Children and CARE International, is that they have to operate in a society where human rights principles may not be accepted by the authorities, and or where there is a perception of the imposition of western values. (Frankovits and Earle 2000).

Daniel Langenkamp presents an interesting argument when he posits that a traditional "technical" approach could be more effective in introducing an RBA in some countries, especially in those that have widespread human rights abuses. Referring to Paul Farmer who points out that his medical profession status gives him better access to Russian prisons; Langenkamp argues that the same applies to the case of Afghanistan under the Taliban regime. Langenkamp explains that after the Taliban's declaration against girls' education, UNICEF, a

human rights-based agency pulled out, while the ICRC, and relief-focused agencies remained in the country and were able to contribute in providing access to the right to health. The author concludes that a human rights-based approach in Afghanistan failed “primarily because of the enormous amount of disagreement about what a rights-based approach actually entailed.” (Langenkamp, n.d.)²⁴

This observation leads to a controversial argument on whether it is more effective to pursue a confrontational approach with the government and non-state actors, which a human rights-based approach might lead to, or whether it is better to adopt a more traditional “technical” or relief –based approach. Using UNICEF and the ICRC by way of illustration, Langenkamp argues that the latter can be more effective than the confrontational approach.

2.6 IMPLICATIONS OF THE ADOPTION OF AN RBA ON ORGANIZATIONAL CHANGE

Many organizational theories can be applied to NGOs in explaining their structure, culture and management framework. Some organizational theories provide a framework of organization change and learning with which one can understand the dynamics of the adoption of a human rights-based approach. As Nelson and Dorsey (2003) assert, an adoption of an RBA requires that substantial changes in organizational procedures and staff skills are in place. This section assesses the debates on organizational dimensions before, during and after an RBA adoption.

²⁴ It should be noted that the Taliban government in Afghanistan was an extreme case for an analysis.

2.6.1 How Organized is an Organizational Change of an RBA Adoption?

Tassie et al (1997) categorizes theories of organizational change into two models: the rational change model and the chaos-complexity model. The first model assumes that rational, well-planned, top-down reorganization is possible and should be the way to manage change. Kaufman (1971) is one of the early thinkers and writers in this school. He argues that in order to survive organizations are always changing, involuntarily or voluntarily. For voluntary change, several mixtures of strategies can be used; for instance, creating incentives to promote change, importing resources, reorganizing, lifting barriers to change, training and retraining, exposure to extra-organizational ideas and “recruiting unorthodox” staff. However, there are also three categories of reasons *not* to change: acknowledged collective benefits of stability, calculated opposition to change, and inability to change. Golembiewski (1993) explains two approaches of a planned change: the laboratory approach and the organizational development approach, and elaborates on how to implement a planned change using the two approaches.

Another set of theories of the planned organization change model is theories on organization transformation (OT). Organization transformation theory grew out of dissatisfaction with theories on organization development (OD). Specifically, the OT thinkers point to OD’s inadequacies in addressing and explaining organizational needs in a changing environment (Fletcher 1990). That changing environment is described in different terms, such as, “meta-industrial revolution (Harris 1983),” “new world order (Moore and Gergen 1998),” and “new age” (Vaill 1984).

In terms of an organizational process, organizational theorists have proposed a number of steps. Gemmil and Smith (1985), for instance, propose four basic processes: (1) disequilibrium condition refers to the stage where the assumed condition within which change becomes possible is one of turbulence, environmental, and/or internal; (2) symmetry breaking refers to the situation where the systems are somehow breaking down; (3) experimentation refers to a condition where the system creates new possible configurations around which it can eventually reformulate—via an experimentation process; and (4) the reformulation process is when new configurations are tested within new environmental constraints and with respect to the system's previous level of development. With similar logic, Lewin (1975) proposes his three steps of organizational change consist of: (1) unfreezing step, which involves reducing forces maintaining the organization's behavior at the present level, such as sharing information, revealing shortcomings of work, demonstrating new design; (2) moving, which refers to a shift of behavior to a new level; and (3) refreezing, involving stabilizing the preferred behaviors as organizational culture, norms, policies, structures, and rewards systems. Kolb and Frobman (1970) argue their seven steps are scouting; entry; diagnosis; planning; action; stabilization and evaluation; and termination.²⁵

Most of the literature on organization transformation is from the business world. To date the only systematic analysis of NGOs is from Lindenberg and Bryant. The authors argue that in the 1990s, leading development and relief NGOs have faced challenges from the globalizing world and have transformed themselves in order to better response to the fast changes.

The chaos-complexity model sees organizational change as non-linear and unsystematic. The causes and effects are unclear and multi-directional. This model argues that the planned change model does not yield results and instead leads to repeated failure. This is because an

²⁵ This model was developed by Lippit, Watson and Wesley (1958), and refined by Kolb and Frohman in 1970. K. Haripogal, 2001, *Management of Organizational Change: Leveraging Transformation*, London: Response Books, pp. 45-47.

organization is not in equilibrium with the environment as some ‘open system’ perspectives assume and because there is no linear cause-effect operation. Chaos theory aims to reveal structures or patterns of behavior in systems that were thought to be driven by random process (Priesmeyer 1992).

Lindblom (1959) leads the way with his “science of muddling through.” He argues that the implementation of public policy has to be incremental change based on a series of small but significant changes—resulting from negotiation of different demands and competition of different values. Formal techniques and strategic planning are beyond the understanding of the people. Changes are the results of the “muddling through” of different demands, values and understanding.

In the case of NGOs, DiBella (1992) comes to a similar conclusion in a study of four NGOs. The author argues that from the case studies, a planned change is perceived by staff differently at different parts of the organization, resulting in ambiguous goals and the absence of shared vision. The technologies are unclear and the structures are loosely coupled. DiBella thus concludes that organizational change of NGOs is closer to “organized anarchy” than “planned change.”

An interesting argument is from Tassie et al (1996) who argue that the two models can be integrated in implementing organizational change as both have validity in certain circumstances. The authors propose that, instead of using control and influence from the planned approach, the two models should be incorporated by creating a context that encourages organizational change by articulating a commitment to the change processes, core visions and values. Tassi and colleagues further direct that it’s important to leave room for managerial discretion in order to

work on the change processes and to come up with new initiatives that are within the given context.

2.6.2 How Significant is the Organizational Change of an RBA Adoption?

Organizational transformation theorists suggest that there are levels of organizational change, ranging from small, cosmetic, and insignificant changes to total and fundamental changes. Organizational transformation is the total and radical end, involving a completely new context and configuration of behaviors, roles, attitudes, motives, beliefs, and values. In this regard organizational transformation can be contrasted with organization development, which involves the unfolding, refining and strengthening of behaviors, roles, attitudes, motives, beliefs, and values (Johnston 1987, cited from Fletcher 1990). “Developmental change” is aimed at improving skills, methods and other conditions in order to meet current expectations. Ackerman (1986) proposes “transitional change” as the type of organizational change that is between developmental and transformation change. Transitional change refers to organizational change that evolves slowly through many transitional steps during which the organization is neither what it once was nor what it aims to be. Similar to transformational change, transitional change seeks to replace old ways of doing things.

Nadler and Tushman (1995) propose a typology of organizational change, based on the continuity and the timing of changes.

	Incremental	Discontinuous/strategic ²⁶
Anticipation	Tuning	Reorientation
Reactive	Adaptive	Re-creation

Source: Nadler, D., Shaw, R. and Walter, A.E., 1995, *Discontinuous Change: Leading Organizational Transformation*, San Francisco: Jossey-Bass, p. 24.

Figure 2.1: Types of organizational change

Incremental change refers to changes that occur when the industry is in equilibrium and the focus is on “doing things better” through a process of continuous tinkering, adaptation, and modification. Discontinuous change refers to change that occur when the industry is in disequilibrium and the focus in on “doing things differently” rather than “doing things better.” Often as a result of time pressure, a reactive change takes place when an organization responds to a clear and present requirement for change. An anticipatory change takes place when an organization initiates change without a clear and present external demand, but might be initiated to gain competitive advantage.

²⁶ Nadler uses the term “strategic” in 1988 and later Nadler and Tushman in 1995 use “discontinuity” and add the notion of disequilibrium of the industry to the rather internal factors of strategic change. See, Nadler 1988 and Nadler and Tushman 1995.

2.6.3 The Human Factor in an RBA adoption

Human resources are important factors in the success of organizational change. Three particular issues stand out in the literature regarding staff management in the context of the adoption of an RBA. First, the staffs of development NGOs are trained to deliver services effectively, and are not trained to use RBA tools, such as advocacy and campaigns (Frankovits and Earle 1995). The skills needed to use these tools must be addressed by management. Second, there may be resistance from staff members who have to change from a traditional service delivery to an RBA, requiring greater transparency and accountability to beneficiaries (Jochnick and Garzon 2002). Third, an RBA needs to build cross-functional capacities to play a catalyst role with diverse stakeholders (Offenheiser and Holcombe, 2003)

2.6.4 The Family Factor in an RBA adoption

There is not much writing on the “family factor” to borrow a concept from the business sector. Moreover, in the NGO field itself, there are few writings on it. Lindernberg and Bryant (2001) identify five types of NGO families, ranging from high to low degree of member organizations’ autonomy, roles, and responsibilities: (1) separate independent organizations; (2) independent organizations with weak umbrella coordination; (3) confederations; (4) federations; (5) unitary organizations.

The separate independent model consists of member organizations that work with great autonomy and a shared name but without sharing decision-making authority within the NGO family. In the weak umbrella coordinating model, member organizations work independently

with full autonomy, although they establish weak coordinating mechanisms to share information and coordinate programs. In the confederation model, members yield some decision-making authority to standard setting, resource allocation, and coordination to the headquarters. But most authority remains with members, especially large ones. For the federation model, the central offices plays a leading role and has greater power in standard setting, resource allocation, and coordination, while member organizations have their own board and implementation capacity. Lastly, in the unitary model, member organizations have virtually no role in decision-making. Most of the power lies with the central offices where decision-making on the direction, resource allocation, and program decisions are made.

For detailed characteristics of the five types and their strengths and weakness, see Lindenberg and Bryant, 2001. What the authors argue is that there is a tendency for NGOs that are united to inherit a relationship with the roles, policies and authority of the headquarters that was established before their time. (Lindenberg and Bryant 2001). This implies that for an individual NGO to adopt an RBA, it tends to have to get the headquarters to also adopt an RBA. On the contrary, if the “family” has already adopted an RBA, it is likely that individual member NGOs will increasingly become RBA organizations. These outcomes, however, depend on the level of unitary within the specific NGO family.

2.6.5 RBA Internalization

Two areas of RBA internalization have been debated: one is about bringing human rights principles and values into all aspects of organizations; the other is to increase the knowledge of human rights among an organization’s staff.

First, an RBA does not generate from the Third World, it starts from home, the organizations of development NGOs (Uvin 2004). The idea is that in order for an RBA to be used effectively, a rights culture must be grown within NGOs. RBA NGOs must be explicit that all their operation will comply with international human rights standards. The quality of the work should also be evaluated in human rights terms. Mechanisms for participations must be established and implemented to ensure staff's voices are heard, including those that work in the local areas. Recruitment and human resource policies must ensure non-discrimination. In sum, this means that development NGOs themselves must improve their transparency, participation, and accountability (Jochnick and Garzon, 2002). Second, there is also clear need for new competencies on human rights and RBA among NGOs as staff are not equipped to manage RBA programs (Geidenmark 2000; Frankovits and Earle 2000).

2.6.6 Learning to be an RBA Organization

An important element of organizational change is organizational learning. This literature review on organization learning is targeted to writings that can lend an understanding of organizational learning as part of organizational change before, during, and after the adoption of an RBA.

The concept of 'organizational learning' was initiated by Argyris and Schon (1978) with the notion of single- and double-loop learning. Single-loop learning refers to organization behaviors that respond to the changing environment in such a way as to maintain organizational norms and values. The double-loop learning response leads to a shift in organization norms, strategies and assumptions. The authors bring the tradition of the focus on norms and values and

the notion that organizational change is a continuous process to their further development of organization learning theories.

Garratt (1988) further elaborates on the learning processes, focusing on the role of senior management in leading the learning. Two skills are identified: the skills to learn continuously and the skill to act as direction-givers. Organization learning became famous in the 1990s, partly because of Peter Senge (1990)'s bestseller, *The Fifth Discipline*. Senge argues that organizations need certain skills in order to survive in the changing environment and in order to overcome an almost ubiquitous "learning disability." The five skills are system thinking, personal mastery, mental models, building shared vision, and team learning.

Korten (1980) early on brought the concept of "organization learning" to NGOs as he argued that the key to the success of NGOs' programs was not necessarily plans that look like "blueprints". According to Korten, success is derived from the capacity to learn from error and the ability to build new knowledge and institutional capacity. He proposed to NGOs three stages of the "learning approach": learning to be effective, learning to be efficient, and learning to expand.

Development is said to be dynamic and therefore NGOs' learning should not be static. Edwards proposed that the NGO community must go beyond producing lessons learned and good practice, and establish a continuous learning process, with emphasis on turning the lessons into action. He notes that many NGOs have experienced "superficial learning," where lessons learned are stored away and ignored after staff rhetorically acknowledges them. Selective learning is another symptom where some lessons are more likely to be turned into actions because they are more acceptable to "power brokers" (Edwards 2002, 333).

Despite the learning discourse in the NGO community from the 1980s, Fowler (1997) notes that learning disabilities are still an “almost universal weakness of NGOs.” Smillie (1995) confirms the argument by arguing that a common problem of NGOs is the failure to learn from failure. He contends that they tend to conceal and forget the negative lessons of development. Britton (1998) agrees with the notion that there are widespread learning disabilities among NGOs. He assesses the external and internal obstacles of the disability and identifies key barriers: funding competition, poor incentives system, the pressure to show low rates of administrative overheads, and an activist culture. Hulme and Edwards (1996) add that the rising competition for funding leads NGOs to prioritize public relations over learning, particularly to highlight the good and hide away the bad.

As value-based organizations, NGOs sometimes can get mixed-up between what they learn and what they believe. Often they believe in something regardless of what they learn. Edwards makes his argument using the case of Save the Children. The organization chose the “child-centered approach,” which can be made on both normative grounds and practical grounds, without evidence to prove the practical case (Edwards 2002). A recent study finds that NGOs’ change through learning can be slow and constrained by several factors, even in innovative NGOs (Ebrahim 2003).

With respect to organizational learning tools, training workshops are gaining popularity. Different aspects of organizational learning are often prescribed as panaceas to development NGOs (Uvin 2004). The same applies in the case of the adoption of RBAs. Butegwa (n.d.), for example, argues that new learning on human rights needs to be equipped to the staffs of development NGOs. In so doing, she argues, training staffs in human rights are “sure steps” for development NGOs to further the process of RBA adoption (Butegwa, n.d., 1)

There is little, to date, besides the training workshops described herein that address the organizational learning needs that necessarily arise from the adoption of an RBA.

2.7 A CONCLUSION

As has been discussed in this review of the relevant literature, there have been arguments for why NGOs *should* adopt a human rights approach, while none argue why they *should not*; additionally there are arguments, again without empirical evidence, for why NGOs *actually decide* to adopt the policy. The literature to date provides the ‘what’ to implement from a human rights-based perspective, but does not provide the accompanying organizational changes, how to cope with those changes, and how to emerge as a stronger organization from the process, one that now has a human rights approach as its guiding framework. Other issues that are left unaddressed include, for instance, how to cope with the work that is more political from adopting a human rights approach, how to tailor the general procedures to specific local situations, and what kind of training NGOs’ staff will need in order to perform the tasks.

The next chapter discusses a set of research questions that would fill the gap that this review of the literature has revealed. From those research questions are drawn the hypotheses, research methodology, and data collection that will guide this research.

CHAPTER 3

RESEARCH METHODOLOGY

This chapter discusses research questions, research design, and methods used in the study. The first section identifies four research questions, resulting from the literature review in Chapter 2. The second section provides hypothesis statements. The research design is discussed in section three, covering a quantitative method using 30 top development NGOs, and a qualitative method using the case of three NGOs. Section four discusses the data collection process, as well as its limitations from both NGO document analyses and structured interviews. The last section debates threats of validity, ways to reduce such threats, and the extent to which the research findings can be applied.

3.1 RESEARCH QUESTIONS

Knowledge of a human rights-based approach (RBA) to development is still at a beginning stage. From the literature review, several points can be observed. First, most writers explain why NGOs *should* adopt an RBA; some explain why they *actually do* it but without empirical evidence. Second, the decision to adopt or not to adopt a human rights-based approach is often understood as “either-or,” while some NGOs decide to adopt only parts of the approach. This leads to the question of how they interpret the concept of RBA, which parts get selected and which do not,

and why. Third, from several meetings, conferences, and forums, it is assumed that there has been some consensus of what an RBA means—the idea that this research challenges. Fourth, there is a gap in the literature that explains actual changes at the organizational and programming levels after adopting the approach. These form four research questions:

1. Why do some international development NGOs adopt a human rights approach to development?
2. How do they construe the meaning of the approach?
3. What is the nature of change, if any, of RBA NGOs at the organizational level?
4. What is the nature of change, if any, of RBA NGOs at the implementation level?

The first question asks why some development NGOs choose to engage themselves with human rights work. What factors increase and decrease the likelihood of the adoption of an RBA with development NGOs? What do NGOs want to achieve by adopting the approach? Why do they think that approach could bring what they want?

The second question asks: How do they understand and interpret an RBA in terms of their development policies and programs? Which versions and which parts of RBA doctrines do they use as the basis for interpretation? What gets attention and hence gets interpreted and implemented, and what do not?

The third question examines five areas of organizational changes after the adoption of RBAs. First, at the policy and strategy levels, it examines the changes in policy and strategy formation, compared to that before the adoption of the approach. Second, it assesses change processes and how they affect organizational changes and their implementation. The third area is concerned with the human factor, including incentives and resistance to changes. The fourth area is the effect of NGOs' family factor on the adoption of an RBA. Finally, the study looks into

how NGOs formulate strategies on capacity building and training programs about human rights and RBA for staff and partners.

The fourth question examines changes at the implementation level, including RBA programming. It seeks to identify factors that explain variations in implementation within and outside of development NGOs. Within NGOs, it investigates changes in situation analysis, priority setting, target selection, the move from service delivery to advocacy, and evaluation. It also assesses the extent to which the new RBA programs touch upon power relations, address discrimination, and change the partnership landscape. External to NGO organizations, the research assesses the extent to which political environments affect NGO programs. In addition, it seeks to identify obstacles and challenges in the implementation of an RBA development policy.

3.2 HYPOTHESIS

This research consists of four sets of hypotheses, based on its research questions. First, in relation to factors influencing RBA adoption, the hypotheses are that: (a) the adoption of an RBA by development NGOs has a *negative* relationship with religious associations. (If an NGO associates with a religion, it is less likely to adopt an RBA); (b) the adoption of an RBA by development NGOs has a *positive* relationship with the percentage of annual revenue from governments, number of NGO members in the family, country associated, associated groups, working methods, and issue areas of work.

Second, in relation to the interpretation of RBAs, the hypotheses are that: (a) there are different interpretations of how human rights can be integrated into development policy and

programs of development agencies; (b) among RBAs, there is no consensus in the interpretation of key RBA components among development NGOs; (c) NGOs do not adopt all aspects of a RBA; but they adopt parts of an RBA by selecting aspects that most fit their organization's existing capabilities and programs.

Third, with regards to RBA and organizational changes, the hypotheses are that: (a) organizational changes of development NGOs adopting an RBA are neither a planned change, nor a chaotic anarchy. It is a "managed anarchy," a mixture of the two approaches; (b) organizational changes of NGOs that adopt an RBA are not transformational changes, but developmental and transitional changes; (c) organizational changes of development NGOs that adopt RBAs are of the "tuning" type of change, and not the "reorientation," "adaptive," or "re-creation" types; (d) the change process of development NGOs that adopt RBAs are non-linear and do not follow steps suggested by organizational change theorists. This process affects the organization's capacity and process of adopting RBAs; (e) RBA interpretation and organizational change process affects the needs for new skills, the pressure on staff, and the resistance from staff, which in turn affect the success of RBA adoptions; (f) families within NGOs have an effect on RBA adoption; (g) training sessions on human rights and RBAs as an organizational learning tool are useful, but have limitations and are insufficient in solving the problem stemming from the lack of knowledge and competencies to work on human rights and RBAs.

Finally, with regards to the implementation of RBAs, the hypotheses are that: (a) Development NGOs that adopt RBAs have difficulties in changing power relations (between the state and the poor) within a country; (b) development NGOs that adopt RBAs have limitations in developing programs containing strong human rights components, particularly non-

discrimination and accountability; (c) the implementation of RBA programs of development NGOs is affected by factors within their own organizations, including the interpretation of RBAs; organizational changes, and preparation for delivery of RBA programs; development strategies and approaches; the use of RBA analytical and planning tools; and staff knowledge of human rights and RBAs, and traditional working methods; (d) the implementation of RBA programs of development NGOs is affected by external factors, including existing human rights culture and institutions; interests and supports of donors and partners; and the level of government control over NGOs within a country; (e) human rights analysis and human rights-based evaluation are among the greatest difficulties of development NGOs that adopt RBAs; (f) Development NGOs that adopt RBAs do move away from direct service delivery, toward a greater emphasis on advocacy, campaigns, and policy dialogue; (g) an RBA movement does not bring about greater partnership among development and human rights communities at a national level; (h) holding the government accountable is the least implemented work in the adoption of RBAs by development NGOs; and (i) participation is the most implemented work in the adoption of RBAs by development NGOs.

3.3 RESEARCH DESIGN

3.3.1 Unit of Analysis

The unit of analysis is individual NGOs for the first three questions — Why do NGOs adopt an RBA? How do they interpret an RBA?; and What is the nature of organizational changes, if any,

at the organizational level?. The fourth question — What is the nature of changes, if any, at the implementation level? — focuses at individual NGO country offices in Vietnam.

3.3.2 The Two Stages of the Research

To best answer the research questions, this research design is comprised of two stages: The first stage is designed to answer research question 1, and the second stage is designed to answer research questions 2, 3, and 4.

In the first stage, to answer why some NGOs adopt a human rights-based approach, thirty Northern development NGOs were selected from a pool of about 4,000²⁷ Northern-based development NGOs that operate in the South. The criteria of the selection were: First, they must be development NGOs. Second, they must be based in the North. Third, they must operate in at least five countries in the South. Fourth, they must be in the top thirty largest international development NGOs in terms of annual incomes.

The top 30 NGOs were separated into two groups: The first group is those NGOs that do not adopt the approach, the non-adopters. The second group is those that adopt the approach, the adopters. Six characteristics of both groups were compared for whether they have correlation with the behavior of adopting an RBA. These six factors are the: (1) percentage of annual revenue from governments; (2) number of NGO members in the family; (3) country associated: country where the NGO was found and country in which the central office is located; (4) religious association; (5) working methods: work on advocacy, work on empowerment, work on

²⁷ The number of northern NGOs that operate in the South is uncertain. The OECD estimated 1600 such organizations in 1980. Smillie and Helmich counted more than 3000 in 1993, while Salamon notes the number at 4,600 in 1994. See Smillie (1995, 2) and Salamon (1994, 111).

campaign, and work with the UN; (6) issue areas of work: work on international financial organizations (IFIs), work on HIV/AIDS, work on women's issues, work on children's issues, and work on trade, debt, or aid.

The percentage of annual revenue from governments is used to test NGO's independence of governments' agenda. Edwards and Hulme (1995) suggest that NGO's independence is key to the future of NGO sector, but NGOs' agenda are increasingly influenced by donors including governments. Human rights work often entails activities opposing government policies, measures, and practices. There is a possibility that NGOs that receive a high percentage of revenue from the governments are not willing to engage in activities that may threaten their financial security, and therefore, are less likely to adopt an RBA than those that receive low percentage.

The number of member NGOs (in the NGO family) is used to test the relationship of organizational size and its flexibility to change. NGOs just started to adopt RBA less than twenty years ago. It is possible that large NGO families (with more members in the family) have members from diverse backgrounds and development levels, resulting in more difficulties in coming to an agreement to adopt an RBA. NGOs with smaller or no family members, on the contrary, can decide to adopt it easier.

Country associated is a test of NGOs' independency of governments' agenda and political environment, as Edwards and Hulme (1995) argue that NGOs have their own agendas driven by values, although their agendas are increasingly influenced by donors. *Country where the NGO was founded* may affect the NGO's tradition of working in terms of the level of human rights integration. NGOs founded in human rights-friendly environment may be more likely to adopt an RBA. Similarly, *country of central offices* may affect the behavior of the adoption of an

RBA both by human rights culture and funding opportunities. NGOs, which have central offices in countries where human rights are well-supported and funded may be more likely to adopt a RBA. Both factors of country associated are good tests of NGO's independence, which is a central issue in NGO literature.

Religious association is used to test Harris-Curtis's argument that NGOs with religious association have long adopted RBAs because human rights fit well with the Bible. It further states that non-religious association recently adopted RBA because they lack and need to believe in some principles or faith. A contradiction assumption here is that development NGOs that are religion associated are less likely to adopt RBAs, due to the already existing religious doctrine and system of values of these NGOs.

Working methods may have a close relationship with RBA adoption, especially if the methods are traditionally of human rights NGOs. Nelson and Dorsey (2003) claim that cooperation in advocacy campaigns on some issues is a major factor that leads NGOs from both development and human rights to adopt each others' methods and strategies. This suggests that working methods such as advocacy and campaigns and issues areas lead to RBA adoption. Advocacy is an important feature of human rights work. There is a possibility that NGOs that work on advocacy are more likely to adopt RBAs due to the similarity of working methods. Similarly, empowerment is an implication of the adoption of RBAs. Development NGOs that work through empowerment may find it easier to adopt RBAs, and therefore are more likely to adopt RBAs than those that are not. Campaigning is also a key feature of human rights organizations. There is a possibility that development NGOs that use campaigns as a working method are more likely to adopt RBAs than those that do not. Finally, the UN is an important human rights promotion body. Some UN development agencies already adopt an RBA, such as

UNICEF. There is a possibility that development NGOs that work with the UN are more likely to adopt RBAs than those that do not.

Issue areas can be an important link to the adoption of RBA. Some issues areas are closer to traditional human rights work than others, resulting in more likelihood for NGOs working on such issues to adopt an RBA. For NGOs *working on international financial organizations (IFIs)*, human rights can provide moral and legal ground for NGOs that work in opposing policies and practices of IFIs. There is a possibility that NGOs that work on IFIs are more likely to adopt RBAs. In the field of HIV/AIDS, comprehensive human rights frameworks have been developed and used. There is a possibility that development NGOs that work on HIV/AIDS is more likely to adopt RBAs than those that do not. Similarly, women's issues find their grounds in international human rights treaties. Women's movements are often more advanced than other groups, using rights claiming methods, a key implication of an RBA. There is a possibility that development NGOs that work on women's issues are more likely to adopt RBAs than those that do not.

Children's rights, as a development theme, have traditionally been of the charity mode. The Convention of the Rights of the Child opens the opportunity for development NGOs to change to an RBA. It is interesting to test if development NGOs working for children's rights are more likely to adopt RBAs than those that do not. On the contrary, trade, debt, and aid are often put forward as the causes of poverty. They are issues relating to the global economy, on which traditional service delivery NGOs do not work. To work on these three issues require strong advocacy, as well as moral and legal support, which can be provided by an RBA. Therefore, there is a possibility that NGOs working in one of these three issues are more likely to adopt RBAs than those that do not work on any of them.

In the second stage, three adopters are used as case studies to answer research questions on 2, 3, and 4, or on RBA interpretation, organizational changes, and implementation respectively. These three organizations were selected based on two criteria. First, they had to have been in the top thirty NGOs from Stage 1. Second, they must have substantially adopted an RBA, particularly to the level that there have been changes at the organizational and programming levels. From these criteria, ActionAid UK, Oxfam GB, and Save the Children Sweden were selected.

To examine the nature of changes in NGO's programming and the implementation of an RBA, a country of operation was chosen to conduct the assessment of RBA programming and the implementation in details. Three criteria were set for the selection. First, it must be a developing country that needs foreign aid at a medium level. This is to avoid selecting a country that is so dependent on foreign aid that donors have great influence on national policies, and that the government has difficulties implementing its own policies. On the contrary, the country should not need foreign aid too little, such as countries that are changing from an aid recipient country to a donor country. As in such countries, international NGOs tend to play a special and different role from what they normally would. Second, all three cases of NGOs should be operating in the selected country so that they share the same political, economical, and societal factors. Third, the country's political environment should not be too easy or too difficult for NGOs to implement what they believe to be RBA programs.

Based on the criteria, Vietnam was selected, as this country relies moderately on foreign aid. ActionAid UK, Oxfam GB, and Save the Children Sweden have all worked in the country since the late 1980s. The country can be rated on the medium level of difficulty of implementing human rights, as it has crucial shortcomings in the realizing of civil and political rights, such as

press freedom and the right to expression and association. But this one-party state has vowed to promote equality, and donors and international NGOs have some influence on the government.

3.4 DATA COLLECTION

3.4.1 Document Analysis

Most key writings on RBAs, particularly books and journals, are reviewed in the debates on the literature in Chapter 2. Most writings by the three NGOs are analyzed and used from Chapter 4 onwards.

The top 30 NGOs are identified, using information from several sources, including the NPT Top 100: The Leading In-depth Study of America's Largest Nonprofits; websites of NGOs' membership alliances, such as One World and Bond— UK-based NGO alliance, and Interaction—a US-based NGO alliance. After a list was drawn from these sources, the final ranking was made by comparing actual incomes as appears in their annual reports,²⁸ which are mostly accessible on the Internet.

NGO documents were gathered from the three selected organizations, ActionAid UK, Oxfam GB, and Save the Children Sweden. These documents include annual reports, strategic and operational plans, program and project evaluation reports, letters to staff, RBA handbooks and guidelines, RBA training manuals, reports on workshops, and other publications of the three NGOs. Most of these documents are open to the public, except for some strategic and operational

²⁸ The revenues used in this study are of 2003, except for cases where information was not available, and then the researcher used data from 2004, followed by 2002, or the most recent year available.

plans, project plans, and project evaluation reports, which are confidential, and have been collected through personal contacts. These confidential documents have proved to be useful in the understanding of the thinking, the planning, and actions in specific contexts, especially in Chapters 6 and 7.

There has been some research about the three NGOs done by both independent researchers and the three organizations themselves. These documents are useful in providing backgrounds of the three organizations, as well as providing examples on how organizations react to certain changing environments.

3.4.2 Structured Interview

Thirty-seven in-depth interviews have been carried out in this study (see Appendix 1 for details). These interviews were conducted in London (the headquarters of ActionAid), Stockholm (the headquarters of Save the Children Sweden), Bangkok (Asia regional offices of Oxfam GB and ActionAid), and Hanoi (country offices of ActionAid Vietnam, Oxfam GB, and regional and country office of Save the Children Sweden). Interviews were also conducted in New York City and Vienna of other UN and international NGOs, such as UNDP and OHCHR's HURIST program, as well as CARE Austria).

These interviews spanned over a four-year period, from 2001 to 2005. Informants were directors, program managers, policy coordinators, and program officers from headquarters, regional offices, and national offices of the three organizations. The interviewees were also leaders, mid-level managers, and local staff of international, regional, and national development NGOs, human rights NGOs, and UN agencies working on human rights and RBAs.

All interviews were structured with questions prepared prior to meetings and tailored to specific persons (see question examples in Appendix 2). All interviews were formal, one on one, and confidential with permission sought by the researcher. Most interviews took from 45 to 90 minutes. Fifty percent of the interviews were tape-recorded. There was only one case that refused a tape recording, but accepted note taking. There was one informant that was interviewed three times—all structured interviews with new questions and tape recorded.

It should be noted that almost all interviews were conducted when the researcher was working for Amnesty International (AI) in Thailand. Most informants knew that AI works on and has expertise in human rights—except for a few informants in Vietnam who had never heard of AI. This may have influenced informants to be more careful with their answers, believing that the researcher was an expert on human rights. In some cases, it raised a defensive mode from informants, as one informant asked me not to criticize the NGO the person worked for simply because it has different working methods from AI.

In addition, some informants knew that AI is banned in Vietnam, meaning that AI's staff are not allowed to be in the country, and that no Vietnamese embassy worldwide will issue a visa for AI staff. The researcher's appearance in Vietnam was therefore somewhat unusual. (I was able to fly to the country without a visa due to my Thai citizenship. This adds to the sense of secrecy to my interviews, and in few cases, a sense of worry for my safety.) However, the knowledge that AI's staff is banned in the country had less effect on the interviews than the knowledge that the researcher was an "AI person."

3.4.3 Field Visit to Hanoi, Vietnam

The researcher conducted a field visit to Hanoi, the capital of Vietnam in February 2004. During the visit, the researcher met with staff of ActionAid Vietnam, Oxfam GB, and Save the Children Sweden at their country offices in Hanoi. Several interviews and discussions on projects and RBA work in the countries were carried out. These discussions partly resulted in disclosure of internal documents from staff of the three organizations. Some of these informants later came to participate in a workshop in Bangkok, the regional offices of ActionAid and Oxfam GB, which provided the opportunity for the researcher to do follow-up interviews and make further requests for public and internal documents.

3.4.4 Practitioners Forum on Human Rights and Development in Bangkok

The researcher was fortunate to be a member of the Practitioners' Forum on Human Rights and Development, organized quarterly in Bangkok by the UN Office of the High Commissioner for Human Rights, the Asia Pacific Regional Office. The Forums serve as a space to exchange ideas and experiences concerning the adoption of RBAs by international NGOs, bilateral development agencies, and UN development agencies in Asia Pacific. This study benefited from these forums in terms of exchanging ideas with RBA thinkers and practitioners, getting first hand information from staff of NGOs and other agencies, and accessing the RBA library of the forum—an excellent collection of books, articles, handbooks, manuals, and other publications on RBA by both academics and NGOs.

3.5 THREATS TO VALIDITY

This research has at least six internal and external threats to validity.²⁹ The first is of a low statistical power, which may cause the possibility of making an incorrect no-difference conclusion (Type II error) resulting from the small sample sizes. However, given that there is a limited number of NGOs adopting RBAs, a sample size of 30 helps keep the percentage of RBA NGOs from being too low.

The second threat is of “fishing and the error rate problem” . That is, the likelihood of falsely concluding that covariation exists when it does not (Type I error). The likelihood of this error increases when multiple comparisons of mean difference are possible, and there is no recognition that a certain proportion of the comparison will be significantly different by chance.

Third, the reliability of measures, particularly the nominal measurement, is a threat to be managed. For example, the behavior of “adopting an RBA,” the dependent variable, is classified as yes or no, while there may be NGOs, which fall in a gray area. Other examples are independent variables, such as “experience in doing advocacy work,” and “experience working with the UN”. These are also classified as yes or no, while some NGOs may have done advocacy and worked with the UN at different levels. To increase the reliability of the measurement, the research has developed criteria (see details in Chapter 4), and has paid special attention in the measurement of NGO’s characteristic against such criteria.

Fourth, case selection could be a threat to internal validity, both with the NGO selection (ActionAid UK, Oxfam GB, and Save the Children Sweden), and with the country selection

²⁹ Internal validity refers to the approximate validity with which we infer that a relationship between two variables is causal or that the absence of a relationship implies the absence of cause. External validity refers to the approximate validity with which we can infer that the presumed causal relationship can be generalized to and across alternate measures of the cause and effect and across different type of persons, settings, and times (Cook and Campbell 1979).

(Vietnam). To reduce this threat and bias, the researcher developed criteria for case selection both for NGOs and the country of operation as discussed earlier.

Fifth, a threat to internal validity, especially as discussed in Chapter 6 regarding organizational change, is that there may be factors other than the adoption of an RBA that cause organizational changes. These behaviors in organization development may be developed separately without association with the adoption of an RBA. It may not have been a result of an RBA adoption, but may have been observed as a result. To reduce this threat, the researcher rechecked and increased the number of observations with interviewees and documents. If ambiguity remained, the researcher ruled it out as a result of an RBA adoption, or made a special remark in the footnote.

Finally, there is an external validity in the ability of the findings to explain the adoption of RBAs of organizations other than ActionAid UK, Oxfam GB, and Save the Children Sweden, and in countries other than Vietnam. In general, the validity of the explanation for international Northern-based development NGOs is higher than that for UN development-related agencies or other bilateral development agencies, due to a similar organization structure, democratic governance, and operational methods among international NGOs. Although it is acknowledged that every country has its own history, identities, and characteristics, countries where the research is applicable is rather wide, covering most developing countries that have medium to high restrictions to civil and political rights.

Having identified research questions and their methodology, the next chapter tackles the first research question: What are the factors that increase or decrease the likeliness of the adoption of an RBA by development NGOs? The top thirty development NGOs, in terms of

annual incomes, were used in an effort to identify factors that have relationships with NGOs' adoption of RBA.

CHAPTER 4

FACTORS AFFECTING THE ADOPTION OF A HUMAN RIGHTS-BASED APPROACH TO DEVELOPMENT BY DEVELOPMENT NGOS

This chapter assesses factors that influence the adoption of a human rights-based approach (RBA) by northern development NGOs. In order to provide a basis for assessment, thirty development NGOs that have the highest incomes were selected. Twenty characteristics of these NGOs were tested statistically to identify factors that have relationships with the behavior of RBA adoption.

The first section of this chapter provides definitions of the terms used in the study. The second section discusses the process of data collection and the measurement of the six independent variables. The third section then provides descriptive statistical data of the samples, followed by discussions of the results of the regression analysis and correlation tests. The chapter concludes with an interpretation of the results.

4.1 WORKING DEFINITIONS

A common perception of NGOs is that they are organizations working on development or on poverty issues, such as health, education, and income generating projects. In practice, NGOs work on a variety of issues, and play different roles, such as advocating for policy change and

linking global processes with people on the local level (Fisher 1998). These organizations face challenges including improving services to communities, catalyzing change processes, and creating partnerships among different agencies (Lewis 2001).

This study will use the definition of NGOs Lindenberg and Bryant (2001) suggest, describing NGOs as organizations that: (a) provide useful (in some specific legal sense) goods or services, thereby serving a specified public purpose; (b) are not allowed to distribute profits to persons in their individual capacities; (c) are voluntary in the sense that they are created, maintained, and terminated on the basis of voluntary decisions and initiatives by members or a board of directors; and (d) exhibit values-based rationality, often with ideological components” (Lindenberg and Bryant 2001, 5-6).

Development NGOs here refer to NGOs that work on poverty reduction and economic growth issues (Lindenberg and Bryant 2001). Relief NGOs are those that focus on responding to natural disasters and man-made disasters (relief work is increasingly called humanitarian work) (Lindenberg and Bryant 2001, 112). Finally, humanitarian NGOs are those that work on relief and reconstruction with people whose human rights have been violated” (Lindenberg and Bryant 2001, 112)

In this research, besides development NGOs, relief and humanitarian NGOs are included for two reasons. First, relief and development work is interconnected. Second, it is also possible for relief and humanitarian NGOs to be human rights-based approach organizations, using human rights principles and tools in their emergency and relief work (ActionAid 2000b). In fact, it is argued that the dichotomy between humanitarian and development came to an end in the 1990s when it was discovered that both use an RBA (Slim 2000).

The Top 30 NGOs

Financial size was used for ranking NGOs for the purposes of the study, as annual incomes can partly indicate the influence of NGOs. In addition to doing relief, humanitarian, and development work, other conditions for selecting the top 30 NGOs in terms of financial resources in this study included: (1) the NGOs must work in the field of relief and development work as defined above; (2) the NGOs must be founded and based mostly in northern countries, including North America and Western Europe; (3) the NGOs must work to create change for or provide services to the poor or the disadvantaged in at least five developing countries in Asia, Africa, and Latin America.

4.2 THE MEASUREMENT OF THE VARIABLES

4.2.1 Dependent and Independent Variables

The dependent variable of this analysis is the adoption of a human rights-based approach to development by northern development NGOs. The independent variables are six factors that may influence the RBA adoption. The list of these six factors is in section 4.2.3. Independent variables such as working methods and issue areas precede RBA adoption for all NGOs that adopted RBAs (see details in Appendix C).

4.2.2 The Measurement of the Dependent Variable

In measuring the adoption of an RBA, two criteria are used to classify the adopters and non-adopters of a human rights-based approach. An adopter must meet both criteria. Otherwise it is classified as a non-adopter.

1. They must state explicitly that one of their goals or working methods is to respect, protect, and fulfill all or parts of human rights, enshrined in the UDHR or in other international human rights standards. This could be an explicit statement in their mission statement, development policies, strategies, or programs.
2. They must:
 - a. Adopt human rights goals or principles in their vision statement, or mission statements, or goals, or working methods; OR
 - b. Frame *key* or *most* arguments around, or on the grounds of, human rights in their campaign, advocacy and other important activities; OR
 - c. Apply a human rights framework and tools in *most* parts of their program processes; OR
 - d. Promote or defend human rights with reference to the principle of *obligations* of duty bearers and *entitlement* of rights holders.

4.2.3 The Measurement of the Independent Variables

This section will test to see if six characteristics of development NGOs have any relationships with the adoption of a HRBA. The six independent variables are the following.

First, “percentage of acceptance of government funding” is measured in terms of percentage of all incomes. It includes grants and other forms of incomes both conditional and unconditional. When testing, acceptance of government funds is put together in the following three groups: (a) over 41%; (b) between 16 – 40%; (c) 15% and below

Second, the “number of member NGOs in the family or confederation” refers to the most recent number of member NGOs that have official status of being NGO members, and not sections that are pending or waiting to be accepted.

Third, “country associated” refers to (a) the country in which the NGO was founded, meaning where the first NGO in the family was founded, which could now be a branch, and not necessarily the headquarters; (b) country of the head office, referring to the headquarters, or the international secretariat, or alliance office. In case there is more than one head office, the most central office will be used.

Fourth, religious association is measured on a nominal scale: Does this organization have a religious association, or does it not? NGOs that have religious association are ones that have official associations with religion, or a branch of a religion, or an NGO that uses religious teaching doctrines as part of their relief and development work.

Fifth, four working methods are being tested: working on advocacy, working on empowerment, working on campaigns, and working with the UN. Work on advocacy is measured on a nominal scale: Does this organization work on advocacy, or does it not? NGOs that work on advocacy are ones that lobby and/or advocate for changes in governments’ laws, policies, and practices—alone or as part of its relief, humanitarian, or development work. Work on empowerment is measured on a nominal scale: Does this organization work on empowerment, or does it not? NGOs that work on empowerment are ones that develop and implement programs

aimed at empowering local NGOs, grassroots organizations, community leaders, or groups of the poor in urban or rural areas. This can be done as part of other work, or as projects by themselves, but it must be done substantially. Work on campaigns is measured on a nominal scale: Does this organization work on campaigns, or does it not? Campaigns are a set of activities bound together in order to achieve certain goals. They generally involve mobilizing support from certain groups of people. NGOs that work on campaigns are ones that use public campaigns to achieve their stated goals. Finally, *work with the UN* is measured in a nominal scale: Does this organization work with the UN, or does it not? NGOs that work with the UN are ones that have a substantial level of engagement with UN agencies as partners or as subcontractors in work relating to relief, humanitarian, and development work, such as, UNICEF, UNDP, and UNAIDS.

Finally, five issue areas are being tested: working on IFIs, working on HIV/AIDS, working on women, working on children, and working on trade, debt, and aid. Work on IFIs is measured on a nominal scale: Does this organization work on IFIs, or does it not? NGOs that work on IFIs are ones that carry out programs or projects opposing policies or development projects of the World Bank or the International Monetary Fund (IMF), or regional development banks such as the Asian Development Bank. Work on HIV/AIDS is measured on a nominal scale: Does this organization work on HIV/AIDS or does it not? NGOs that work on HIV/AIDS are ones that run programs aimed at improving certain aspects of HIV/AIDS, such as awareness raising, prevention projects, aspects of various cures, access issues, or campaigning for a lower cost of HIV/AIDS medicines. Work on women's issues is measured on a nominal scale: Does this organization work on women's issues, or does it not? NGOs that work on women are ones that implement programs on aspects of women's work, and not only on women's' rights, such as the reproductive health of women, and income generation projects for women. Work on

children's issues is measured on a nominal scale: Does this organization work on children's issues, or does it not? NGOs that work on children's issues are ones that carry out programs or projects on behalf of children, such as children and education, children suffering from HIV/AIDS, street children, child laborers, and child prostitution. Finally, work on trade, debt, or aid is measured on a nominal scale: Does this organization work on trade, debt, or aid, or does it not? NGOs that work on trade, debt, or aid are ones that have developed and implemented programs on one of these three issues. The organization might be conducting research, carrying out campaigns, or taking action on issues around trade, debt, and aid, such as their impact on the poor (especially from the south), debt relief of poor countries, the use of international aid and human rights practice of governments.

4.3 DESCRIPTIVE STATISTICS OF THE TOP 30 NGOs

The result of the measurement of the top 30 NGOs are shown in figure 4.1. The descriptive statistics can be summarized as:

4.3.1 NGOs that adopt an RBA

Out of the top 30 NGOs, seven of them have adopted an RBA approach, accounting for 21% of the sample. These seven NGOs are: International Planned Parenthood Federation, CARE International, Oxfam International, Save the Children, Doctors of the World, Doctors without Borders, and ActionAid. Most of them state explicitly that they work for the realization of

human rights as enshrined in the UDHR and other international human rights standards, or that they use a human rights-based approach in achieving their goals.

4.3.2 Characteristics of the Top 30 NGOs

The first characteristic is the acceptance of government funding. NGOs do receive money from governments in various forms. The top 30 NGOs receive an average of 23.58% from government funds, ranging from 0% to 88.71%. When dividing the NGOs into three groups, it was found that 53.85% of NGOs have government money make up less than 15% of the annual budgets. Interestingly, none of NGOs in this group have adopted an RBA. Within this group, there are eight organizations receiving government funds totaling less than 5% of their total annual income. Half of these are considered to have religious affiliations, and none of these eight organizations have adopted an RBA. For the second group, government money makes up between 15.01 and 40% of their annual income. This group has the highest portion of RBA adoption (57.14%). And, five NGOs in the top 30 receive more than 41% of their annual budgets from government funds. (see Table 4.1).

Table 4.1 Percentage of Revenue from Governments

	Number of NGOs	Percent	Number of RBA NGOs	Percent
41% and over	5	19.23	2	40
Between 15.01 – 40 %	7	26.92	4	57.14
15% and below	14	53.85	0	0

The second characteristic is the size of NGO families. Fifty percent of the NGOs in the top 30 have their families and membership systems. The other half are individual NGOs. Among the group that has a family, an average family member is 38, with the highest number of NGO members at 181. Of all thirty NGOs, 23.33% have more than fifteen NGO members and 26.67% have between six and 15 members.

The third characteristic is country associated. Most of the NGOs in the top 30 were founded in the US (66.67%). Other countries where the top 30 NGOs were founded are the UK (16.67%), France (3%), Ireland (3.33%), and Switzerland (3.33%). Similarly, countries where the central offices are located are mostly in the US (60%). Others are in the UK (16.67%), Switzerland (3.33%), France (3.33%), Ireland (3.33%), South Africa (3.33%), and Belgium (3.33%) (See Table 4.4) Interestingly, none of the NGOs that adopt RBAs has their headquarters in the US.

Table 4.2 Countries where NGOs are found and Countries of Central office

	Country NGO found		Country of Central Office	
	Number	Percentage	Number	Percentage
France	3	10	1	3.33
UK	5	16.67	5	16.67
USA	20	66.67	18	60
Switzerland	1	3.33	2	6.67
Ireland	1	3.33	1	3.33
South Africa	0	0	1	3.33
Belgium	0	0	1	3.33

Fourth, in regards to associations, NGOs in the top 30 have a high percentage of religious associations (40%). None of the religious associated NGOs have adopted an RBA. Although some work on issues relating to labor, none of the top NGOs have direct associations with labor unions.

Fifth, in terms of working methods, a fair number of NGOs in the top thirty (about 30%) use advocacy as one of their working methods. Over sixty percent of these NGOs have adopted an RBA. A rather surprisingly higher percentage of these NGOs—53.33%--use empowerment as a development tool. Of these NGOs, about a third has adopted an RBA. Similar to advocacy is the use of campaigns as a tool for change. Of the top 30 NGOs, 26.67% use campaign tools, and three quarters of them have adopted an RBA. Only a third of the top 30 NGOs work with the UN, and a third of these have adopted an RBA.

The last characteristic is issue areas. Only two NGOs (6.7%) work on IFIs, both have adopted an RBA. More popular is HIV/AIDS with as many as 70% of the top 30 NGOs working on this issue. About a third of these have adopted an RBA. Women and children receive attention from more than half of NGOs in the top 30 with 53.3% and 66.7% respectively. Moreover, 37.5% of NGOs working on women's issues and 20% of NGOs working on children's issues have adopted RBAs respectively. Finally, 23.3% of the top 30 NGOs work on trade, debt, or aid and half of them have adopted an RBA. (See Table 4.3)

Table 4.3 Associations, Working Methods, and Working Themes of the Top 30 NGOs

	Number of NGOs	Percent	Number of RBA NGOs	Percent
Religious association	12	40	0	0
Work on advocacy	9	30	6	66.67
Work on empowerment	16	53.3	5	31.25
Work on campaigns	8	26.7	6	75
Work with the UN	11	36.7	4	36.36
Work on IFIs	2	6.7	2	100
Work on HIV/AIDS	21	70	7	33.33
Work on women	16	53.3	6	37.50
Work on children	20	66.7	4	20
Work on trade, debt, or aid	7	23.3	4	57.14

4.4 THE RESULTS OF LOGISTIC REGRESSION AND TEST OF CORRELATION

4.4.1 Logistic Analysis

From the logistic analysis, it was found that seven risk factors have relationships with the adoption of RBAs. Among these factors, two of them have negative relationships and are negative risk factors—thereby reducing the chance of having RBA NGOs: (1) country NGO where the NGO is founded (USA); and (2) religious association. The other five factors have positive relationships and are positive factors—increasing the chances of having RBA NGOs: (1) government funding (16-40%); (2) NGO members (16-40%); (3) work on advocacy; (4) work on campaigns; and (5) work on trade, debt, and aid.

Table 4.4 Logistic Analysis of Risk Factors that have Relationship with the Adoption of RBAs

	Factors that have relationships with and are risk factors of the adoption of an RBA	Significance level	Odd Ratio (OR)
1.	Government fund (16-40%)	0.026	8.889
2.	NGO member (6-15 members)	0.050	6.333
3.	Country where NGO was founded—USA	0.025	0.111
4.	Religious association	0.006	0.304
5.	Work on advocacy	0.003	40.000
6.	Work on campaigns	0.002	63.000
7.	Work on trade, debt, and aid	0.026	8.889

First, while countries in which the center offices are located, and other countries where NGOs were founded do not show a relationship with the adoption of an RBA, the country where NGOs founded—USA has a negative relationship with the adoption of an RBA adoption at the significance level of 0.05 (P-value at 0.025). The OR suggests that the chance of finding an NGO founded in the USA that has adopted an RBA is 0.111 times less that the chance of finding an NGO founded outside the USA that has adopted an RBA.

Second, religious association has a negative relationship with the adoption of an RBA at the significance level of 0.01 (P-value at 0.006). The OR suggests that the chance of finding a religious associated NGO that adopts an RBA is 0.304 times less than the chance of finding a non-religious associated NGO that adopts an RBA.

Third, advocacy has a positive relationship with the adoption of an RBA at the significance level of 0.01. The OR means that the chance to find an NGO that uses advocacy and

has adopted an RBA is 40 times higher than the chance of finding a non-advocacy NGO that has adopted an RBA.

Fourth, campaigning as a working method has a positive relationship with the adoption of an RBA at the significance level at 0.01 (P-value at 0.002). The OR suggests that the chance of finding an NGO that does advocacy work and adopts an RBA is 63 times higher than finding an NGO that does not do advocacy work and adopts an RBA.

Finally, trade, debt, and aid as development issues have positive relationships with the adoption of an RBA at the significance level of 0.05 (P-value at 0.026). The OR tells us that the chance of having an NGO that works on trade, debt, or aid and adopts an RBA is approximately nine times higher than having an NGO that does not work on either trade, debt, and aid and adopts an RBA.

4.4.2 Test of Correlation

Besides the seven risk factors above, eight other factors are found to have relationships with the adoption of RBAs.³⁰ The first is the percentage of government funding (15% and below). Receiving government funding at 15% and below is a factor that has a negative relationship with the adoption of an RBA at the 0.01 significance level (two tailed). Interestingly, while this factor has a negative relationship with RBA adoption, receiving government funding at 16-40% of an organization's annual revenue is a positive risk factor at the significance level of 0.05. However,

³⁰ Combined with risk factors in the previous section, there are fourteen specific factors found to have relationships with RBA adoption. (These fourteen factors include the break down of factors into smaller ones for testing. For instance, country of central office, as one factor, is broke down into six factors according to six countries.) Factors that have relationship in this section could have been risk factors and it would have been possible to compute its degree of risk—odd ratios, had it not had a zero in one of the matrix boxes in the logistic calculation. At this point, it can only conclude that it has positive and negative relationship with the adoption of an RBA.

receiving government funding over 41% of annual revenue does not have a relationship with RBA adoption.

The second factor is the number of NGO members (0-5 members). To be in a family that has up to five NGO members has a negative relationship with the adoption of RBAs. Again, while this factor has a negative relationship in terms of RBA adoption, to be in a family that has six to fifteen NGO members is a positive risk factor at the significance level of 0.05. To be in a family that has more than 16 members, however, does not have a relationship with the adoption of an RBA. Third, UK as a country where the central office is located is founded to have a positive relationship with the adoption of an RBA at the significance level of 0.05. Fourth, USA as a country where the central office is located is found to have a negative relationship with the adoption of an RBA at the significance level of 0.01. Fifth, Belgium as a country where the central office is located is founded to have a negative relationship with the adoption of an RBA at the significance level of 0.01. However, to have a central office in other countries, including Switzerland, France, Ireland, and South Africa, does not have a relationship with the adoption of an RBA. Sixth, while working with the UN does not have a relationship with the adoption of an RBA, working on IFIs does. Its relationship is positive and is significant at the 0.01 level. Seventh, working on HIV/AIDS has a positive relationship with the adoption of an RBA at the significance level of 0.05.

Table 4.5 Correlation Test of Factors that have a Relationship with the Adoption of RBAs

	Factor that has relationship with the adoption of an RBA	Significance level of Pearson Correlation (two-tailed)	Type of Relationship
1.	Country of central office—UK	0.05	Positive
2.	Country of central office—USA	0.001	Negative
3.	Country of central office—Belgium	0.005	Positive
4.	Percentage of government funding (15% and below)	0.005	Negative
5.	Number of NGO members (0-5 members)	0.005	Negative
6.	Work on IFIs	0.005	Positive
7.	Work on HIV/AIDS	0.05	Positive

Other factors with no relationship with RBA adoption are the number of member NGOs (16 and above), the country where the NGOs was founded (except for the case of the US), the country of the central office, labor union association, work on empowerment, work with the UN, work on women, and work on children.

4.5 PUTTING THE NUMBERS IN PERSPECTIVE

4.5.1 Percentage of Government Funding

Common sense suggests that the more money an NGO receives from governments, the less they are likely to adopt an RBA—assuming that an RBA leads to increasing risk of tensions between the governments and NGOs. This study shows two things to prove that common sense may only

be one third of the picture. First, the chance of finding an NGO that adopts an RBA when it receives a medium portion (16-40%) of government funding is 8.889 times higher than the chance of finding an NGO that adopt an RBA when it receives a higher percentage of government money (over 41%) or a lower percentage (below 15%) of its annual income. Second, that an NGO that receives less than 15% in government money of its annual income has a negative relationship with the adoption of an RBA.

The partially true part of the common sense explanation is the situation where an NGO receives government money, comprising more than 41% of its annual incomes, and not when it is 16-40%, or below 15%. It is possible that at this point (over 41%); NGOs have high percentage incomes from governments so that an adoption of RBA may generate a strong sense of insecurity, resulting in the deterrence of adopting an RBA. It should be noted, however, that this study does not find statistical evidence to support these claims. Again, the NGOs in this study are northern NGOs, receiving northern government money, to work mostly in southern countries. This is far different from the situation in which NGOs receive money from repressive governments to work against them.

There are two reasons why receiving government money between 16-40% is a positive risk factor for RBA adoption. First, NGOs in this group are in the position to enjoy financial security from not having too high of a portion of their income from government funds. This enables them to take manageable risks as a result of challenging the state, which may be the results of RBA adoption. Second, that they *do* receive money from governments encourages them to work and seek cooperation and partnership with governments, which is an important step in working in a human rights-based approach.

Instead of having the group that least depends on government funding adopting RBAs at a higher rate, this group receiving less than 15% of their incomes from the government has a negative relationship with RBA adoption. There are two reasons for this. First, these NGOs receive good financial support from individual donors and private institutions, and do not rely on, or have to compete for, government grants. The lack of competition leads many NGOs in this group to keep to traditional development work, mostly relief and service delivery work. As statistics shows, NGOs in this group have a negative relationship with using advocacy as a working tool (Pearson Correlation significance (PC sig.) (two-tailed) at the 0.01 level). They tend not to use empowerment in their work (negative relationship with using empowerment at PC sig. at the 0.01 level); and tend not to use campaigning (negative relationship with campaigning at PC sig. at the 0.05 level). Second, NGO in these groups have important characteristics of non-adopters of RBA. For instance, more than half of these NGOs are religious associated (which reduces the chance of being an RBA by 3.28 times), 85.71% of them were founded in the US (which reduces the chance of being an RBA by 9.009 times), and 85.71% of them are US-headquarters-based NGOs. So, instead of finding the most RBA NGOs in this group receiving less money from governments, we discover some financially independent, conservative US-based NGOs.

4.5.2 Number of NGOs family

Statistical tests give us two viewpoints. First, the chance of finding NGO families that have 6-15 members and adopting an RBA is 6.3 times higher than finding NGO families that have

members higher or lower than the range. Second, NGO families that have less than five members have a negative relationship with the adoption of RBAs.

To put these findings in perspective, we can infer that the size of NGO families are influential factors in RBA adoption. If the family is very large, with over 16 members, it may be difficult to reach agreement among its members, if the family wishes to adopt an RBA. This, of course, does not matter, if the family does not wish to adopt an RBA. An NGO family with 6-15 members, if it wishes to adopt an RBA, has the size of membership that is not so high as to make it difficult to reach agreement, and not so low that it lacks the dynamics and productive interactions among its members.

The group of NGO families with less than five NGO members, which has a negative relationship, is mostly comprised of US-founded (85.71%) and US-based (86.67%) NGOs, which have a low rate of RBA adoption. This group has a positive association with the factor that they were founded in the US at the 0.05 significance level (which reduces the chance of adopting an RBA by nine times). It also has a positive association with the factor that they have their headquarters in the US at the 0.01 significance level (which has a negative relationship with the adoption of RBAs). Finally, it has a negative association with the campaigning working method at the 0.05 significance level (which is the most positive risk factor of the adoption of RBAs, OR at 63 times).

4.5.3 Country Where the NGO was Founded:

This statistical test proves that the USA as an NGO's founding country is a significant risk factor in terms of the adoption of an RBA. It increases the risk of not adopting an RBA by nine times—

the highest negative risk founded in this study. If an NGO is founded in the USA, the chance that they will adopt an RBA is 0.111 less than the chance of a non-USA-founded NGO that adopts an RBA. In other words, if a NGO is not founded in the US, it is approximately nine times more likely to adopt an RBA, compared with a US-founded NGO.

This analysis confirms Jochnick and Garzon (2002)’s observation that NGOs in the US are less likely to adopt an RBA. This can be the result of at least three factors. First, the US government is one of the major donors of many NGOs. These NGOs may not want to increase tensions with a major donor, which may shake their financial security—one of the most important assets of NGOs in a competitive environment. USAID, for example, can deter NGOs from adopting an RBA (Jochnick and Garzon 2002). Second, the US does not have a political culture that encourages the promotion and protection of economic, social, and cultural rights (ESCR) or an RBA. It refuses to adopt the key international instruments on ESCR, the International Covenant on Economic, Social, and Cultural Rights (ICESCR), arguing that it is only aspirational, and not “real” human rights. There are less active discussions and debates among academics and practitioners on RBAs and ESCR in the US. Third, it may be the case the US-founded NGOs follow what is called the “Anglo-American development tradition,” which uses the language of equal opportunities, or moral imperative to give back to the poor through charity (Lindenberg and Bryant 2001), rather than the language of human dignity as human rights, requiring state obligations, which is more popular in Europe. The former is obviously less friendly to an RBA than the latter.

4.5.4 Country of Central Office

The statistical tests show us that the specific countries in which central offices are located have both significant positive and negative relationships with the adoption of an RBA. The positive relationships are with the UK and Belgium, and the negative relationship is with the US. Countries where the central offices do not have relationship with RBA adoption are Switzerland, France, Ireland, and South Africa.

The reason why NGOs who have their central offices in the UK are more likely to adopt an RBA can be explained by two factors. First, in general, UK-based NGOs have enjoyed the support of human rights from the Department for International Development (DFID) of the UK government, as the organization itself is an adopter of an RBA. It is a key donor and partner of many UK-based NGOs, helping set the tone for RBA adoption. Some even argue that UK-based NGOs adopt RBAs because donors like DFID are more willing to support them (Harris-Curtis 2003). Second, the NGO community in the UK has been both progressive and active in debating human rights issues. Third, the UK is home of early advocate organizations for RBAs, including Rights and Humanity, Oxfam GB, Save the Children UK, and ActionAid. Finally, in a study on recent NGO trends in the UK, it was found that there have been increasing funds for NGOs to do human rights-based work (Wallace 2003).

Belgium is often chosen to be a clearinghouse of Europe. It has long served as headquarters of both international organizations and NGOs. The NGO community has worked in the atmosphere of the European language of upholding individual human rights. The European Commission and the EU have generally been supportive of the human rights agenda. These

factors have resulted in an environment that is friendly for development NGOs to adopt human rights language, values, and tools.

For the US, the three factors discussed earlier (the US government as a key donor, weak political culture for ESCR, and the Anglo-American development tradition) have made the US an environment that is not encouraging for NGOs to adopt an RBA. The negative relationship between headquartering in the US and RBA adoption may also be the result of RBA NGOs choosing not to have their headquarters in the US, and instead, maintaining small offices to carry out advocacy work, targeting international organizations and the US government in Washington DC and New York.

4.5.5 Religious association

Religious association is a risk factor for adoption of an RBA; it increases the risk of *not* adopting an RBA by 3.28 times. The chances of finding a religion-associated NGO that adopts an RBA is 0.304 times less than the chance of finding a non-religion-associated NGO that adopts an RBA. In other words, a non-religious NGO is 3.28 time more likely to adopt an RBA, compared with a religious NGO.

This finding contradicts those of Harris-Curtis (2003) who claims that religious associated NGOs, such as Norwegian Christian Aid, adopt an RBA because it finds that human rights principles are part of the bible. If this is true, it may be limited to the examples that Harris-Curtis uses, or to the Scandinavian churches, and not to others. This study shows that as high as 40% of NGOs in the top 30 are religious associated, but none of them have adopted an RBA, resulting in a risk factor 3.28. A more plausible reason is that religious NGOs have their own

teachings on which they base their relief, humanitarian, and development perspectives and practices. As the RBA movement gains popularity among progressive development groups and the UN, religious NGOs may reassess the compatibility of human rights and their teachings. Most will likely find that though there are differences, these perspectives do not contradict one another, and may help fulfill each other's goals. These results form a general impression of religious NGOs as non-adopters and quiet supporters. This may lead them to say, for instance, that the RBA movement is a good thing, we support it, but we still do things our way.

4.5.6 Work on Advocacy

Advocacy is a positive risk factor. An NGO that uses advocacy as a working method has a 40 times greater chance of adopting an RBA than an NGO that does not use advocacy. This working method is generally used among human rights organizations. After they witness and document human rights violations, they advocate for change in policy and practice based on their documents, including lobbying and pressuring powerful and influential actors such as superpowers and international organizations. Similarly, in RBA development work, there are certain factions in development that believe that coordination for relief work is not sufficient, pressing the need for advocacy for changes in development policy, measures, and practices that exacerbate poverty. It may be the case that NGOs that work on advocacy are better acquainted with and more appreciative of the importance of development policies.

4.5.7 Work on campaign

Campaigning is the strongest influential factor for the adoption of an RBA in this study. The chance for an NGO that campaigns to adopt an RBA is 63 times higher than that of an NGO that does not campaign. Campaigns are one of the key tools of human rights organizations increasingly gaining popularity among development NGOs. Human rights NGOs use these tools by designing a set of activities to achieve certain goals within a period of time, particularly by choosing issues and target groups, timing, messages, and actions after the documentation of human rights violations. In contrast to relief and reconstruction, campaigns generally work through the mobilization of people to create awareness and/or to take actions and pressure for changes in government policies, measures, and practices. As such, a campaigning organization tends to have three characteristics. First, it works as *an agent for change*, rather than as a direct implementer of change—which when adopting an RBA acts to monitor and advocate for changes in development policies, rather than acting as an implementer of development policies. Second, a campaigning organization *focuses on specific actors*, particularly the state and other responsible bodies, and often calls on them to act and be accountable, which is an important link to RBAs which work through holding the state responsible to its human rights obligations. Third, a campaigning organization often creates change through *mobilizing people*. Human rights provide legal and “moral high ground” for the mobilization that a campaigning organization needs. These three factors make development NGOs that campaign more familiar with and connected to the role, the focus, and implications of RBA, and therefore more likely to adopt an RBA than those that do not campaign.

4.5.8 Work on IFIs

NGOs working on IFIs have a positive relationship with RBA adoption. This is due to at least four factors. First, some of the World Bank's large scale development projects and the IMF's economic policies violate ESCRs, bringing human rights dimensions into development NGOs. Second, the Bank and the IMF are largely accountable to their Boards who are mostly representatives of developed countries, and do not have a tradition of being responsive to calls from outsiders. Human rights provide legitimacy, which strengthen the call of NGOs for the institutions to also be accountable to the poor in developing countries. Third, these calls of NGOs are usually packaged in campaigns and advocacy series, making development NGOs familiar with human rights tools. Finally, human rights provide platforms for universal solidarity, linking grassroots organizations that try to get their messages across internationally with international development NGOs.

4.5.9 Work on HIV/AIDS

NGO's work on HIV/AIDS has a positive relationship with the adoption of an RBA. This is due to five factors. First, HIV/AIDS as a development issue has been developed and linked to international human rights framework more progressively than many other development themes. One example is the development of international guidelines by the UNAIDS and OHCHR (2002). Second, one of the key issues of HIV/AIDS is that it is involved with the element of discrimination, which lies in the heart of human rights and human rights-based approach to development. Third, human rights provide legitimacy, moral, and legal grounds for some

HIV/AIDS-related campaigns, such as campaigns on the cost and access to HIV/AIDS drugs. Fourth, HIV/AIDS is one of the areas that an RBA can clearly help strengthen development NGOs, particularly on issues of access to healthcare, education, and work, which are much stronger when the issues are framed in a human rights framework (Plipat 2004a). Fifth, traditional human rights areas help broaden and highlight HIV/AIDS issues in less familiar territories of development work, such as HIV/AIDS in prisons and HIV/AIDS and drug users (Plipat 2004b).

4.5.10 Work on Trade, Debt, and Aid (TDA)

NGOs' work on TDA has a positive relationship with the adoption of an RBA. In fact, the chance of having an NGO that works on TDA and adopts an RBA is 8.9 times higher than the chance of having an NGO that does not work on TDA and adopts an RBA. The reasons being are that, firstly, trade, debt, and aid are all macro and structural development issues. Development NGOs do need a moral high ground, international legal framework, and international standards, which human rights can offer, to drive their agenda on trade, debt, and aid forward. Second, to address these macro-structural causes of poverty with international organizations and developed countries, development NGOs need solidarity space, which human rights can provides. Third, a human rights approach is based on the notion of human dignity. It brings up and highlights individual faces to development debates at the macro and structural level, giving meaning and a humanistic side to the economic-dominated nature of trade, debt, and aid issues.

4.6 OTHER FACTORS AFFECTING RBA ADOPTION

This research starts with six possible factors that may influence the adoption of an RBA. It finds that all six factors have relationships with RBA adoption. There are other factors that this research has not assessed, areas for future research. Among these, two factors stood out during the course of the study and interviews: NGO leadership, and the funding factor.

First, NGO leadership is likely to be an important cause of RBA adoption. Some NGOs leaders are supporters of human rights agendas and could lead their organizations to start a human rights learning process, and eventually become RBA organizations. Save the Children Sweden and Oxfam America are some of the examples of organizations that have increasingly engaged in RBAs due to their leadership. Conversely, although an organization is in an RBA-supportive environment, without interested and committed leadership, the organization tends not to become a rights-based organization. Save the Children US (SC US) is a good example of this latter case. While staff from SC US attended trainings organized by SC Alliance like other SC members, a rights-based approach has never made it to the organizational agenda of SC US. There is room to be more political in the US context, but its leadership does not make use of it. It is reluctant to do advocacy work or speak on behalf of human rights victims. It did not engage in lobbying the US government to ratify the CRC, its organization's fundamental instrument. A senior officer of Save the Children Sweden sums it well, "Without strong and committed leadership, a rights-based approach would be an impossibility of Save the Children"³¹

³¹ Interview, Jochim Theis, 17 February 2003.

Second, donors have rather strong roles in shaping the policy and development strategies of development NGOs directly and indirectly.³² This includes the case of the human rights-based approach to development strategies. Some have discussed how institution donors, such as bilateral development agencies and foundations, can be influential in RBA adoption (Harris-Curtis 2003). The debate here focuses on the influence of individual donors in RBA adoption by development NGOs.

ActionAid is a good case to illustrate the influence of such donors. The organization is paying a cost of RBA adoption by developing new sponsors and new relationships with existing sponsors, as well as reviewing funding sources and internal investment policies. This includes developing AA's own understanding of what types of rights-based work sponsors are willing to support (ActionAid 2000a).

The organization has for a long time enjoyed donors' support in its Child Sponsorship Program, one its top funding sources. Through supporting individual children and family, donors can see the changes they contribute to children and their families; for instance, how many children can go to school and how many meals the children and their families will have. When the organization approaches the same donors with a new framework that won't be emphasizing relief and service delivery work, but instead will fight for human rights, one can imagine the donors' response "go ahead, do what you want, but I am not supporting you."³³ To secure funding, the organization has to take steps to help donors understand how a human rights-based approach could help those families in the long run. While drawing donors to move towards the organization, ActionAid also draws itself to donors in order not to allow too wide a distance

³² An interesting warning from Lindenberg and Bryant (2001) is that Northern development NGOs are increasingly working as consultant organizations, as bilateral development agencies cut down their programs and staff and outsource for services. This tends to result in a phenomenon where NGOs work for service fee with little influence over policy and directions.

³³ Interview, S. Parasuraman, 11 February 2003.

between the organization and donors. That is, in practice it has to do both service delivery and rights-based work, instead of jumping to only the latter. In essence, the desire to retain their donors' supports does put some restraints on the organization who might otherwise completely engage itself with a rights-based approach.

4.7 CONCLUSION

This chapter analyzes factors that affect the adoption of an RBA by relief, humanitarian, and development NGOs. The sample is comprised of the top 30 NGOs in terms of total annual income. Income was used for this selection process as it can be considered a surrogate for the individual NGO's level of influence or power.

Six factors are measured to test their relationship with the adoption of an RBA. These factors are: (1) the percentage of annual revenue from governments; (2) number of NGO members (in the NGO family); (3) country associated; (4) group associated; (5) working methods; and (6) issue areas.

A logistic regression shows us that all six factors have relationships with the adoption of an RBA. These include two negative risk factors: USA—as the country where NGOs were founded; and religious association. These two factors increase the risk of not adopting an RBA to 9 and 3.28 times higher than NGOs that do not have such factors. The other five factors that have positive relationships with the adoption of RBAs are: (1) government funding (16-40%); (2) NGO member (6 - 15%); (3) work on advocacy; (4) work on campaigns; and (5) work on trade,

debt, and aid. The chance of finding an RBA NGO that has such factors is 8.889, 6.333, 40, 63, and 9 times, respectively, higher than that of an RBA NGO that does not have such factors.

The test of correlations also shows significant negative and positive relationship between the adoption of an RBA and seven factors. The factors that have negative relationships with the adoption of an RBA are the US as the country where the NGO's central office is located, percentage of government funding (less than 15%), and the NGO family's size of less than five members. The factors that have positive relationships with the adoption of RBAs are: the UK and Belgium as the countries where the NGO's central offices are located, working on IFIs and working on HIV/AIDS.

Having found the six factors affecting RBA adoption, we will turn to the first step of this adoption process—the interpretation. The next chapter examines how development NGOs construe the meaning of RBAs to fit their organizational background and expertise, which, ironically, is the first dimension of the policy process that results in a weakening RBA.

CHAPTER 5

POPULAR, EQUITY, AND CLASSICAL RBAs: HOW DEVELOPMENT NGOs CONSTRUE THE MEANING OF A RIGHTS-BASED APPROACH TO DEVELOPMENT

Interpretation is the first step in RBA adoption by development NGOs. As discussed in Chapter 2, it is generally assumed that there is only one RBA, especially in international meetings and conferences. This is due to a dominating interpretation of the ESCR school of RBA thinking. This chapter assesses how NGOs actually interpret the concept of RBA and how the interpretations lead to different development policy and strategies, organizational process, and implementation.

Stephens Marks (2001) identifies five ways development writers and practitioners interpret the human rights framework for development: the holistic approach, the capabilities approach, the right to development approach, the responsibilities approach, and the human rights education approach. Marks (2003) later updated his work and added two more approaches: the human rights-based approach and the social justice approach. He calls these interpretations “approaches,” referring to a “conceptual framework or way of dealing with complex issues or set of issues” (Marks 2003, 2). In Marks’ work, RBA is classified as one of seven interpretations of human rights framework for development. The RBA that Marks refers to is that of the Human Rights Council of Australia (HRCa), which he correctly points out as having based its entire development policy and program on international human rights laws, the only agreed upon international framework for development cooperation. Marks did not elaborate further what

practical implications each of the seven interpretations could have. The implications suggested at the end of his paper—ostensibly for seven types of interpretation—were already laid out in the RBA manual of the HRCA (Frankovits and Earle 1998). Generally, different interpretations should lead to different actions. But in Marks's case, all seven approaches lead to the same set of RBA actions. This poses a question of whether the other six approaches are interpretations of an RBA, or different emphasis of RBAs, or both.

This chapter analyzes approaches that lead to different strategies and actions. It discusses the interpretation of an RBA by development agencies, identifies key components of the interpretation, and points out strengths and weakness of different interpretations. It argues that although there seems to be areas where development agencies can agree on what is meant by a human rights-based approach to development—as has appeared to be the case at international meetings—in reality, NGOs interpret RBA differently. This chapter further argues that these differences are not mere surfacing or emphasizing, but they are significant differences, leading to a variety of foci, priorities, and strategies taken to achieve their goals. Finally, it is argued that this difference is the result of NGOs' interpretation in ways that fit their organizational background and expertise. Such interpretation is the first of a three-step process that weaken the radical concept of RBAs.

The chapter starts with four models of interpretation of RBA by development agencies, including bilateral development agencies and international development financial institutions. These four models are as follows: first, the Apolitical Assistance group sees development work and their roles as apolitical, while human rights are political and therefore exist in different spheres. This group does not integrate human rights into their development programs, but claim that their work contributes to human rights. Second, the Democratic Governance group views

democratization as the backbone of development. Human rights for this group mean civil and political rights. They do not integrate human rights into development program, but adopt some principles, such as participation. Third, the Caesar Salad group emphasizes sustainable development. They mix campaign development concepts together, including participation and accountability. They state that human rights are encompassing both civil and political rights; as well as economic, social and cultural rights, but mean largely the former. This group integrates some human rights norms into their development programs. Finally, the RBA group believes that human rights and development have the same goals. They seek to integrate human rights standards and principles into development programs.

The chapter then focuses on three cases of Northern development NGOs: ActionAid UK, Oxfam GB, and Save the Children Sweden (SC Sweden). The second section introduces the three NGOs and their entries into RBA. The third section analyzes three models of RBAs, identifying key features of the three interpretations. The fourth section assesses the three models at work by analyzing the framework for turning policy into programming. The fifth section examines the three models' policies towards development partners, particularly NGOs and governments. Finally, the closing section sums up strengths, weaknesses, and challenges of the conceptual framework of the three models and how their interpretations weaken the concept of RBAs.

5.1 THE FOUR MODELS OF INTERPRETATION

OF HUMAN RIGHTS TO DEVELOPMENT

Rather than using emphases of interpretations, this section assesses the interpretation of a human rights framework and development by using four indicators: (a) development goals; (b) development processes; (c) development programming; and (d) the use of international human rights instruments.³⁴

Development goals are the ultimate achievement that development agencies strive to reach. The development goals of development agencies are one of the most important conceptualizations of the relationships of development and human rights, and a product of interpretation of human rights-based development. This criterion asks: how relevant and interconnecting are development and human rights goals?

Development processes are generally procedures and tools that development agencies use to achieve development goals. Four development processes that the human rights tradition offers to development agencies, while a need-based approach tends not to, are participation, empowerment, accountability, and non-discrimination. The inclusion of these four development processes will be used to differentiate the interpretation of the relationships of human rights and development. This criterion asks: to what extent do development agencies apply the human rights principles in their development processes?

Development programming is how development agencies use its tools and processes and applies them to practical programs and projects. Basic programming elements include situation analysis, identification of target, program design and planning, program implementation, and

³⁴ This section has been built on from the four types of integration of RBA from Flore Nguyen 2002.

evaluation. This criterion asks: to what extent are human rights principles used in practice, particularly at each stage of a program cycle?

The Use of UN Human Rights Instruments is the fourth criterion, used to differentiate between various development agencies' approaches. It includes the reference to, the interaction with, and the use of UN human rights bodies, international and regional human rights treaties and standards, and other international human rights mechanisms. This criterion asks: to what extent are international and regional human rights standards and mechanisms used by development agencies in formulating policy and implementing their development work?

From these four factors, we can categorize development agencies into four groups: (1) Apolitical Assistance; (2) Democratic Governance; (3) Caesar's Salad; and (4) RBA.

	Development and human rights goals	Development processes	Development programming	Meaning and use of human rights instrument	Other key characteristics & examples
Type 1: Apolitical Assistance	Different goals	Different processes to different goals	No human rights framework is used at programming level	<ul style="list-style-type: none"> HR means CPR rarely refer to human rights norms and standards No use of human rights instruments 	<ul style="list-style-type: none"> HR and development are in different sphere Emphasis on legal and electoral systems Ex. World Bank, ADB, AUSAID
Type 2: Democratic Governance	Different goals (Emphasis democratic society focusing on institutional building)	Some processes used: participation	<ul style="list-style-type: none"> Need-based programming Participation is used mostly at implementation level 	<ul style="list-style-type: none"> HR means CPR Rarely refer to human rights norms and standards No use of human rights instruments 	<ul style="list-style-type: none"> HR contributes to development, but not central Emphasis on democratic governance and civil and political Rights Ex: USAID, CIDA, JICA
Type 3: The Cesar Salad	Shared goals (Emphasis sustainable development)	Some processes used: participation and accountability	<ul style="list-style-type: none"> Selective uses of human rights framework at programming level 	<ul style="list-style-type: none"> Say that HR are both CPR and ESCR, but usually mean only CPR Occasionally refer to human rights standards Limited use of human rights instruments 	<ul style="list-style-type: none"> HR is essential to development Refer to both CPR and ESCR, but emphasis on CPR Ex. UNDP, SIDA, EU
Type 4: RBA	Almost the same goals	Most processes used	HR framework used at multi levels: situation analysis, identification of target, planning, implementation and evaluation; move away from service delivery to policy advocacy	<ul style="list-style-type: none"> HR are CPR and ECSR Refer to human rights norms at policy level Selective use of human rights instruments 	<ul style="list-style-type: none"> Accept the concept of entitlement Address issue of power relations Ex. DFID, OXFAM, ActionAid, some Save the Childrens

Figure 5.1: The Four Types of Development Agencies' Interpretation of the Relationship of Human Rights and Development

Type 1: Apolitical Assistance. Development agencies of this type see human rights as political and see themselves as apolitical development professionals. They endorse the international human rights standards and norms, but do not see them as development goals, or as significant tools that can be used to achieve the goals. Therefore they do not seek to integrate human rights principles or frameworks into their development programs. In fact, they rarely refer to international human rights norms and standards and do not use international human rights bodies or instruments in their development work. These agencies see their work as traditional development assistance. Democratic and good governing is seen as an important component in achieving economic and political stability, which in turn will promote sustainable development. To establish democratic and good governance, they emphasize the functionality of democratic structures, particularly a national legal framework, electoral systems, judicial institution, and at times, anti-corruption mechanisms and public administration reform. These organizations are concerned with gender issues, both in the processes of development assistance and in the societal and political sphere in general. Civil and political rights are sometimes promoted to enhance the check-and-balance and stability of the political system. Examples within this group are the World Bank, Asian Development Bank (ADB), and AUSAID.

The World Bank does not adopt a rights-based approach and enjoys developing its own tools along the line of a human rights-based approach, such as, Community-Driven Development (CDD) and Social Accountability. These tools are more sellable to its influential economists.³⁵ The Bank's goal is the same as ActionAid and other progressive development NGOs—to fight poverty. But the Bank's poverty, despite some expansion of the concept, still relies on a large part on traditional macro economic indicators, such as, GDP. Human rights are seen as civil and

³⁵ A bank officer notes that it can be more easily communicated to economists and governments that the tools would strengthen effectiveness of development, especially of the PRSP. Interview, Gillian Brown, 26 January 2004.

political rights. They are seen to be having different goals than development, whose primary goal is to reduce the number of people living under a given poverty line. As part of the UN system, the Bank acknowledges international human rights norms and standards, but rarely mentions them. The organization does not use international human rights bodies or mechanisms as it works. In fact, the World Bank for political reasons tries not to use the term “human rights” in its work, although it increasingly uses similar terms, such as health rights.³⁶

Type 2: Democratic Governance. The organizations in this category believe that human rights and development goals are different. This group considers that human rights and the development movement have been developed from different traditions. Although human rights mechanisms and principles have much to offer and contribute to development goals, they differ in essence from development. That is, while contributing, human rights are not central to development. Similar to the first group, they believe that sustainable development can be achieved only when the state and society are democratized, the only domain where human rights can contribute to development goals. They use the language of democracy and governance—structurally, but they emphasize more the role of participation than the first group, particularly during assistance delivery. Development programs emphasize democratic institution building, legal reform, electoral procedures and sometimes, on the rule of law, public education, and civil society strengthening. They use a needs-based development framework and programming to identify groups that most need development assistance. Effective delivery is a key achievement. Human rights mean civil and political rights. The group recognizes international human rights norms and standards, but rarely refers to or uses them. Like the first group, the relationships between development agencies and the people are that of givers or aid providers and receivers or beneficiaries. Examples of this group are USAID, CIDA and JICA.

³⁶ Private Communications, James Wolfensohn, 27 May 2004.

USAID is a good example of the Democratic and Governance model. USAID's work is categorized into sectors, such as, agricultural, environment, democracy and governance. Human rights are a small part of the four areas under democracy and governance. Human rights mean civil and political rights, whereas ESCR are rarely mentioned. As a component in contributing to democratic society, human rights work is narrowly interpreted as supporting legal reform, improving the administration of justice, and increasing citizens' access to justice.³⁷

Type 3: The Caesar Salad is the type that accepts and blends in most interesting concepts and tools into its work, sometimes regardless of the compatibility of conceptual frameworks or the implementability by the staff. This group considers that human rights and development goals have a lot in common. In general, they both aim to improve the quality of people's lives. Human rights tools have been used in development processes, including participation, accountability, and rule of law. They shift the emphasis from technical and sectoral development assistance, as the first two groups do, to poverty eradication. Participation is widely applied in development cooperation, as opposed to development assistance, with which effective service delivery is emphasized. Capacity building and partnership with local organizations and the poor play greater roles promoting sustainable development. However, contrary to the fourth group, this group has limited use of international human rights mechanisms. Human rights have not yet become its organizational values and norms or the driving force of the organization. In addition, they are rather reluctant to address the issues of unequal power relations between the poor and other stakeholders, particularly the state, resulting in a limited advocacy element of their work. Often, both civil and political rights and economic, social and cultural rights are referred to, but greater emphasis is given to the former. Examples of this group are UNDP, SIDA, and EU.

³⁷ See <http://www.usaid.gov>.

UNDP is a good example of the Caesar Salad type. The organization adopts most “trendy” ideas and approaches coming into the development enterprise, at the risk of having minimal strategic plans for operationalizing such ideas. It mainstreams them into the organization, resulting in superficial visits of development concepts that are not necessarily translated into action. The adoption of the SHD/PCD (sustainable human development and people-centered development) in the mid 1990s is a classic example. Despite some attempts, the organization left a gap between theory and practice, or ideal and reality (Nicholls 2000). In 2000, the organization jumped into an RBA approach, linking human rights with its previous concept of human development (UNDP 2000) -- an attempt that is again seen as an interesting concept without clear practicality (Uvin 2002).

Type 4: RBA. Development agencies in this group, despite the differences in traditions and contexts under which each emerged, consider human rights and development goals to be almost the same. Most human right tools and principles are used in the development processes, including participation, accountability, non-discrimination, and the rule of law. Development programming emphasizes human rights analysis, addressing root causes of development problems, identification of rights-abused groups, and empowerment. Some have engaged in public campaigns, policy advocacy, and human rights education as a means to strengthen accountability and meeting their development goals. Both civil and political rights, and economic, social, and cultural rights are seen as indivisible and interdependent of one another. Examples of this group are Oxfam, the Department for International Development of the United Kingdom (DFID), ActionAid, and some Save the Children.

DFID is an example of the RBA group. The organization emphasizes the development of pro-poor policy and empowerment of the poor. Its development programs aim toward

strengthening the accountability of government. Human rights principles are widely used in different stages of development processes, including participation, equality and non-discrimination, and accountability.

It is important to note that development agencies are moving from one category into another. Some features of development agencies can fall into more than one category, both in policy and practice. For instance, some conceptual frameworks of SIDA can be categorized in both type 3 and 4. The boundary of the four groups is not always clear. Some development agencies have characteristics, belonging to more than one group. The four categories, however, are a useful framework showing how development agencies construe the meaning and relevance of human rights and development. More importantly, by setting up the four criteria, this framework helps differentiate the levels of integration and engagement of human rights of development agencies in a context where most claim to be RBA organizations.

The next section will take a closer look at three organizations of type 4 and assess further how the same type of development agencies can vary in terms of interpretation, development policy and programming.

5.2 THE BACKGROUND AND TURN TOWARDS AN RBA OF ACTIONAID UK, OXFAM GB, AND SAVE THE CHILDREN SWEDEN

ActionAid UK, Oxfam GB, and Save the Children Sweden (SC Sweden) are all in the RBA type. At the end of the 1990s, the three organizations shared the same threats and opportunities of changing political, social, and economical environments, such as economic globalization,

worsening poverty conditions, racism-based conflicts, and growing use of communication technologies. But these three NGOs started to integrate human rights into their organizations differently. The starting points of the adoption varied as to each organization's history, previous work, and working methods. This section examines their background and how each turned into adopting a human rights framework in their work.

ActionAid UK

ActionAid is a development NGO working in 30 countries throughout the world. Founded in 1972 with a sponsorship program, ActionAid began its work with 88 UK supporters, sponsoring 88 children in Kenya and India. The organization's focus during the 1970s and 1980s had been on delivering specific services to individuals and providing children with education. ActionAid then expanded its work to help families and communities to support themselves covering the development areas of education, health care, access to food and water, and income generation.³⁸ Now ActionAid is the third largest NGO in the UK in terms of operational budget.

³⁸ ActionAid website: www.actionaid.org.

Organization Information	ActionAid UK	Oxfam GB	SC Sweden
Year founded	1972	1942	1919
Head office	London	Oxford	Stockholm
Total budget (mil US\$)	151.6 (2003)	331.6 (2003)	57.4 (2003)
Funds from governments	18.60 % (2003)	37.35% (2003)	35.08% (2003)
# of staff	N/A	nearly 4,000	165
Country of operation	30	74	70 (focus on 18)
Membership organization	Yes 150,000 supporters 15,000 volunteers	Yes	Yes 85,000 members 250 local branches

Figure 5.2: Basic Information of ActionAid UK, Oxfam GB, and Save the Children Sweden

The change from need-based and service delivery to a human rights-based approach started slowly in the late 1980s and intensified in the late 1990s. The key drives of the change were both from within and outside the organization. Internally, during periodic reviews of development outcomes in a set up of strategic plans, frequently asked was the question of whether the basic service delivery approach was effective. Consensus was gradually built on the notion that the service delivery approach of previous work did not eradicate poverty because it failed to address or tackle the root causes of poverty, which the organization believed to be from

unequal distribution of power and resources.³⁹ As a consequence, reflected in many documents of the organizations, it is stated that to better tackle root causes of poverty, a rights-based approach needs to be adopted (ActionAid 2000a). Externally, the movement toward a rights-based approach, which originated in Europe, has gained currency and influenced the organization. Amartaya Sen's concept of the entitlement of the people as a way to sustainable development has influenced the organization, as well as the work of other NGOs, especially that of Oxfam. All these factors contributed to ActionAid taking an RBA.⁴⁰ Since then, the organization has started a learning process on how to transform human rights concepts into development work.

However, RBA is not the only approach the organization has adopted in the past decade. In the early 1990s, ActionAid adopted a "people centered and sustainable development approach". At the time the organization had taken on the new approach without internal agreement as to the meaning of the new approach. When combined with the complexity of the approach, the limited influence at an international level, the limited capability in policy advocacy and reaching the poorest of the poor, and resistance from trustees, the organization faced several difficulties in implementing the new approach—while at the same time making significant strides in adopting the new approach.⁴¹

By the end of 1990s, the people centered and sustainable development approach was less discussed, paving the way for RBA discussions. This time the organization elaborates, in one of ActionAid's early writings on RBA, that they decided to adopt an RBA because it: (1) provides a *sound legal and moral basis* for addressing the complex ethical questions that ActionAid faces;

³⁹ ActionAid website: www.actionaid.org and interview with S. Parasuraman, February 11, 2003.

⁴⁰ Interview, S. Parasuraman, 11 February 2003.

⁴¹ Nicholls tested the actual implementation of sustainable human development and people-centered development (SHD/PCD) of ActionAid and UNDP, using the case in Uganda. See more details in Nicholls 2000, 156-174.

(2) strengthens the links between programming and advocacy work and the macro and micro linkages; (3) helps clarify the roles and responsibilities of the different actors, particularly the state; (4) places central power in the hands of those whose rights have been denied and violated, to hold the state and non-state actors accountable; (5) offers a comprehensive and coherent analytical framework for more effective planning, implementation, and evaluation of emergency programs; (6) provides objective criteria for co-operation and co-ordination; (7) promotes self-reliance and dignity of people suffering denial and violation of rights, instead of reducing them to passive recipients of services (without excluding the possibility of emergency response when necessary), and (8) focuses on the systematic denial and violation of rights and this encourages the development of long-term and sustainable solutions (Morago-Nocholas 2000; and ActionAid 2000a).

ActionAid's point of entry to an RBA is around food rights, one of the strongest themes of the organization. In 2002, ActionAid campaigned on food rights, advocating for poverty reduction to be at the center of trade agreements, particularly in WTO rule making. Its campaign focused on the impacts of Trade Related Intellectual Property Rights (TRIPs) and the Agreement on Agricultural (AoA) on food security and poor farmers (ActionAid 1999b; 2001a; 2001b).

It is important to note that throughout ActionAid's history, it has experienced working on the ground at the grassroots level and developed the skills of working with poor communities. This has become an important strength of the organization that very few international NGOs have. This grassroots experience has influenced the organization's interpretation of an RBA when it comes to formulating development policies and strategies, which will be discussed in the next section.

Oxfam GB

Oxfam GB was founded in the United Kingdom in 1942 in response to the famine in Greece under German occupation during the World War II. In 1943, when other committees dissolved, the Oxford Famine Relief Committee remained at its work and registered as a charity whose objective was the “relief of suffering in consequences of the war” . Six years later, the mandate was enlarged to include “wars or other causes in any part of the world” . The organization continued to focus on disaster relief throughout the 1960s, during which period the organization formally adopted the name “Oxfam,” which had become a well-known abbreviated telegraph address of the Oxford Committee. The 1960s also marked a time of significant growth of Oxfam’s shops where 22,000 volunteers helped fundraise in more than 830 shops.

In the 1970s the organization expanded to development project work. Oxfam GB hired 11 expatriates and was working in 800 communities in 19 countries by 1971. A Public Affairs Unit was set up in the 1970s to provide research and analysis of poverty. This research work has helped provide a basis for advocacy and campaign work of the organization beginning in the 1980s. Oxfam GB started to do lobbying work around issues of food aid, pesticides, and debt of the Third World, and campaign on international trade from the 1980s.

By the 1990s, Oxfam had become an international campaigning organization as well as a relief and development organization. During the decade, Oxfam organized and ran a number of international campaigns on various issues, including debt relief, the cost of basic medicine for the poor, universal education, fair trade, and child soldiers. Oxfam’s work on fair trade, initiated

in the 1970s, was intensified after the 1999 Seattle riot, which generated support for Oxfam work and its new 2002 “Make Trade Fair” campaign.⁴²

Oxfam GB also built up its lobbying capacity in the 1990s. It set up an international advocacy office in Washington DC to lobby international bodies, including the World Bank, the IMF, and the UN in 1995. Now Oxfam has gained experience in campaign work and received respect as a leading organization in the field. It is also often seen as a “campaigning” development NGO with a strong research and analysis capability.

Oxfam GB’s entry point to RBA started in the early 1990s when it started a campaign called “basic rights”, covering its own list of ten human rights, including the right to health and the right to education. The campaigning ended in the mid-1990s, leaving Oxfam with valuable experience working explicitly on human rights, which paved the way for Oxfam to adopt an RBA more explicitly after its strategic review in 1997-1998.⁴³

This strategy review started the early 1990s as part of a process to position the organization better within a changing world. The organization took a comprehensive approach with a large consultation with partners in reviewing its strategy. During 1997-1998, it set up a committee to commission an independent report, based on interviews with 194 stakeholders in fourteen countries.⁴⁴ The report recommended strategies concerning a wide range of issues, such as prioritizing partnering, especially in the south, building strong links on the ground, and strengthening advocacy work (Lindenberg and Bryant 2001).

⁴² The campaign is a key work of the organization in addressing and attempting to create changes in poverty resulting from international trade. See more details at: www.oxfam.or.uk.

⁴³ Interview, Heather Grady, 6 February 2004.

⁴⁴ The participants included six groups of stakeholders: partner NGOs; partner community-based organizations; civic actors; national governments; local governments; and international agencies. The selected countries were Bangladesh, Ethiopia, Eritrea, El Salvador, Kenya, Liberia, Lebanon, Mali, Mexico, the Philippines, Senegal, Uganda, United Kingdom, and Vietnam. See, Lindenberg and Bryant 2001, 44.

The foundation of Oxfam's RBA, which was the product of a strategy review, was the development and adoption of the five Aims and their "Strategic Change Objectives" (SCOs), which correspond to five sets of human rights. This helped the "generalist" development agency link its different themes together with an international human rights framework.⁴⁵

Save the Children Sweden

Save the Children was founded in the United Kingdom in 1919 by two sisters, Eglantyne Jebb and Dorothy Buxton. In response to children orphaned in the post World War I, the two sisters were among the first to press for worldwide safeguards for children and call for recognition of children's rights. SC has expanded its work to improve the lives of millions of children and their communities, including the areas of HIV/AIDS, education, children in armed conflicts and disasters, children exploitation and abuse, and other children's rights. The organization has received strong supports from both donor organizations and from ordinary people, which helped it raise US\$430 million in 2001 (ISCA 2001).

The entry point to RBA of SC Sweden started when the Secretary General of SC Sweden adopted the Convention of the Rights of Child (CRC) as the foundational document of the organization on which all work must be based on since the CRC came into force in 1989. This changed SC Sweden significantly from a community development organization to a human rights-based organization. The organization promoted children's rights, hiring new staff with a human rights background, providing training, highlighting child rights violations, and engaging with the UN CRC reporting mechanisms and the CRC committee.⁴⁶

⁴⁵ Interview, Heather Grady, 6 February 2004.

⁴⁶ Interview, Joachim Theis, 17 February 2003.

SC Sweden today is one of the most rights-based Save the Children members. It works with other like-minded SC members, such as SC UK, to explore and develop tools for child's rights programming. SC Sweden notes that the adoption of an RBA is morally right. It believes that an RBA brings benefits to traditional approaches, such as the emphasis on long-term goals, the use of internationally-accepted standards to measure progress, the international legal framework—which identifies the responsibility of governments, donors, the private sector, communities, and individuals, and binds them to action. It incorporates principles (such as participation, non-discrimination, poverty eradication) into one overall holistic approach (International Save the Children Alliance 2002).

5.3 THE THREE MODELS: CONCEPTUAL FRAMEWORKS

ActionAid UK

When a human rights-based approach came into ActionAid at the end of 1990s, it did not totally replace the previous approach—the people-centered and sustainable development (PC/SD), but instead the new RBA concept is mixed with the PC/SD, and vice versa. There are components that the two approaches have in common, but there are also key components, differentiating them from each other, such as the RBA holds that people are entitled to human rights, while PC/SD does not. Despite differences between the two approaches, ActionAid finds ways to put them together. For instance, “People are the center of a rights-based discourse. People are the ones who need to benefit from this approach (RBA).”⁴⁷ The interaction of the new and existing

⁴⁷ ActionAid Asia Website, <http://www.actionaid.org/asia/354.html>, 8 December 2004.

thinking, together with organizational history, strengths, and culture, brings in a new type of RBA, which in this case, is the Popular RBA.

	ActionAid UK	Oxfam GB	SC Sweden
The models	“Popular ” RBA , emphasizing grassroots	“Equity” RBA , emphasizing campaigns	“Classical” RBA , based on international HR
Critical development problems	Poverty and powerlessness of the poor	Poverty and the lack of equity, structural thinking	Lack of child protection, accountability, and capacity
Development analysis	Micro (local), linking to global	Macro (global), linking to local	Country-based analysis
Development goals	Use poverty reduction goals, not human rights goals. Stated with the popular “fighting poverty” theme.	Use poverty reduction goals, not human rights goals. Aligns to five goals, described in human rights terms.	Use human rights goals. Clearly defined in human rights terms—the realization of the CRC.
Development processes	Through grassroots empowerment	Through the mixture of global campaigns and country-based development programs	Through child rights programming
The use of international human rights standards	Limited.	Selective and inconsistent use in campaigns. Limited in country and regional work.	Strong part, emphasis on monitoring and reporting. Establish relationships with the Committee of the CRC.
Human Rights Education	Important for the grassroots approach —the poor have to know their rights in order to claim them.	Not important—RBA is delivered through the links of five aims and the mobilization of global campaign, which are already based on human rights.	Very important for all stakeholders—in order to realize the rights of child.

Figure 5.3: Conceptual Frameworks of the Popular, the Equity, and the Classical RBA

The Popular RBA’s analysis of poverty is that it is caused by unequal power relationships, resulting in unjust distribution of resources. It believes that poverty will continue, unless the root causes of poverty are tackled. It holds that poverty is a denial of basic rights, such

as education, food, healthcare, water, livelihood, information, and participation (ActionAid 1999). ActionAid's development analysis has touched upon North-South relationships in the context of global poverty. It has produced policy papers analyzing the impacts of globalization, trade, and international financial institutions (IFIs) on the poor and the marginalized. The organization is of a view that to eradicate poverty, the globalization process must be shaped in a way that does not exacerbate the situation of the poor in the South as is the case at present.

ActionAid's development goals are not the same as human rights goals, or the enjoyment of all human rights enshrined in international human rights standards. Its development goals are based on a new poverty framework—one that is much broader, and is based on the entitlement concept—but smaller in scope compared to that of human rights. It states that its mission is to work with the poor and marginalized people to eradicate poverty by overcoming the injustice and inequality that cause it. The organization states the popular “fighting poverty” theme, but what is unique is its interpretation that empowerment of the poor and the marginalized is key to the solution. Its “local up” method arises from its belief that through the creativity and energy of the poor, they can overcome abject poverty. ActionAid's conceptual framework is largely influenced by its experience working in rural areas with grassroots organizations and poor communities in the south.

Its use of international human rights standards is limited. ActionAid holds that poverty is a denial of human rights and acknowledges some human rights tools, such as participation and empowerment. However, it has yet to further develop its human rights framework. ActionAid does not use international human rights norms as its strategy nor as the basis for its programs. Its development framework has little to do with the UN human rights bodies. In fact, the

organization strategy for 1999-2003 treats human rights as a sectoral program of work, rather than a framework of all the work of the organization (ActionAid 1999).

The limited use of the UN human rights framework poses big challenges for ActionAid. As empowerment of grassroots groups becomes the key to the organization's strategy, ActionAid must have human rights education as one of its key tools—if not a goal in itself— and help the poor learn about their rights so that they can claim them. However, there is limited knowledge of human rights and little skill in designing and delivering human rights education sessions. It also should be noted that ActionAid's human rights education is important to the poor or the “victim categories,” and not all groups.

In sum, ActionAid's conceptual framework in relation to RBA can be described as a “Popular” RBA. Its RBA stems from a thorough analysis of poverty and powerlessness, starting from the local situation and linking it to the global context. Its development goals are defined in a new expanded poverty framework, with reference to entitlement. Most importantly, ActionAid's “local up” development process leads to its utmost strategy of empowerment of the poor and the marginalized—support people so that they can claim their human rights. Instead of advocating for change at the international level, the Popular RBA starts at the grassroots level upward. The Popular RBA use international human rights in a limited fashion. Its RBA is rooted in the belief that the poor can make the changes, but they are deprived of their human rights necessarily to live their dignified lives. The Popular RBA works to support people to claim their human rights and bring development back to the people.

Oxfam GB

“Globalization can only help to end poverty, if equity is given the same priority as economic growth.” In other words, “globalization without equity isn’t globalization” (Oxfam 2004a, 1). Oxfam’s view of development problems is centered around equity, which also serves as a key guiding principle of Oxfam’s strategy (Oxfam International 2001, 2004).

“The Oxfam’s focus is on the realizations of economic and social rights within the wider human rights continuum. Equity is key in the realization of these rights. Equity is about making the rules fair for poor people and ensuring that justice prevails.” (Oxfam 2001, 2)

The analysis of “global rules” and “equity for the poor” development framework is one of the most important contributions that Oxfam offers to the development enterprise. More importantly, the analysis enables the Oxfam family to take crucial steps forward, from the basic form to social justice work, based on compassion and generous giving to much more complex campaigns and actions. Oxfam’s analysis on global rules and equity brings economic dimension to its “social justice” framework. The organization now gradually adds the term “economic” to “social justice,” and use the term “economic and social justice” interchangeably with “economic and social rights,” although it means more of the former.

This “global rules” analysis highlights inequalities, both between rich and poor countries, and within a country. It notes that poverty—“a state of powerlessness in which people are unable to exercise their basic human rights or control virtually any aspect of their lives”⁴⁸— is usually

⁴⁸ Oxfam, “Oxfam International’s Mission Statement,” http://www.oxfam.org/eng/about_strat_mission.htm, cited from Stephen Marks 2003, 8.

rooted in human action or inaction. These actions and inactions, for Oxfam, mean more at the structural level, including the global market, and institutional, and economic mechanisms.

Oxfam's development framework is rather a macro and structural view, highlighting the impacts of the world inequalities to the poor in the global south. That is, it starts from a global perspective then analyzes the impacts on the poor at the local level. The organization seeks to address the structural causes of poverty—largely at the international level, and to a lesser degree at the regional and national levels—through campaigns and development work. Examples of what is produced out of this conceptual framework are the debt relief campaign and the “Make Trade Fair” campaign.

The “Make Trade Fair” campaign, for example, is designed to communicate to the western public, showing them how the global supply chain can worsen the livelihoods of the poor in the developing country, and linking this global picture with places its audience is acquainted to, stores such as Tesco and Wal-Mart.⁴⁹ A recent Oxfam report demonstrates how, in the modern global trade structure, western-based companies can be “squeezed down the supply chain” and undermine the labor standards they claim to be promoting, leaving women workers in developing countries vulnerable, as rights are denied and traded away (Oxfam International 2004a).

For Oxfam GB, development goals are not the same as human rights goals. Its development goals are to fight poverty and global injustice, which is a part of the realization of all human rights. Like ActionAid, Oxfam's RBA conceptual framework is of a new poverty framework, and is not rooted in, or based on, a human rights framework itself. Its framework reflects a conception of social justice at the global level, driven by compassion for the poor and

⁴⁹ See www.maketradefair.com.

the disadvantaged and the desire for a fairer world, rather than by agreed upon standards of human rights. Despite the advantages of using a human rights framework—which covers many dimensions of human dignity--Oxfam chooses to work in a derived social justice framework, which relies on arbitrary perception and subjective measures of human suffering and powerlessness.⁵⁰ Putting human rights as its mission places the organization on a higher moral ground, helps mobilize people in its global campaigns—a human rights means toward a social justice end—and creates coherence between its global campaigns and country-based development programs.⁵¹

Although Oxfam does not use the international human rights standards directly in its work, it does take a step further in incorporating a human rights framework in its work by rearranging its thematic work into five groups. All groups are tied to certain international human rights standards, although the language used is not quite a human rights one. Oxfam has hardly utilized the UN human rights bodies, but it refers to a human rights framework selectively and strategically in its campaigns. It downplays the role of human rights education in its work. For Oxfam GB, human rights education is not a key to achieving an RBA to development; rather the keys are the campaign and development programs that are linked to the five sets of human rights it has clustered together.

⁵⁰ Sidoti and Frankovits (1995, 28) argues that a social change approach is rooted in a basic needs approach and a social welfare model, which is a model that they advocates to move away from, in favor of an HBA. Interestingly, Dodson argues that a social change approach in itself subtly reinforces powerlessness as it policies and programs rest primarily on a perception of need for those who are being given justice rather than receiving their rights. See, Michael Dodson, First Report 1993, Aboriginal and Torres Straits Islanders Social Justice Commissioner. Australian Government Publishing Service, Canberra, 1993, cited from Sidoti and Frankovits 1995, 28.

⁵¹ Marks also puts Oxfam in the category of social justice, rather than the category of rights-based approach in his seven approaches of applying a human rights framework into development policy. He argues that Oxfam remains in a social justice framework, rather than a human rights framework, because of Oxfam's stated "moral imperative to eliminate glaring social inequality" (Marks 2003, 7-8).

In sum, Oxfam’s tactical use of human rights aims primarily to legitimize the causes it works on and to mobilize popular supports in its campaigns and development work that have strong advocacy components. Its system of beliefs is of social justice, and not human rights. The latter comes into play at the strategic objective and tactical level to achieve social justice goals of equity in the world. For these reasons, Oxfam GB’s RBA will be called an “Equity RBA.”

Save the Children Sweden

Save the Children’s interpretation of a human rights-based approach is based on international children’s rights standards, particularly the CRC, which it helped to create. In fact, the advocacy and use of international human rights standards by Save the Children has a history dating back to the early days of the organization, as Eglantyne Jebb, the founder of Save the Children Fund, wrote in “The Children Charter,” in 1923. This writing was subsequently adopted by the League of Nations, and laid the ground work for the CRC 67 years after (Save the Children USA, 2005).

As one of the earliest advocates for international children’s rights laws and standards, Save the Children’s view of RBA is based on these standards, which is comprehensive, covering dimensions of children’s lives within a larger international human rights framework. Its view on the problems of the world’s children is that there is a widespread lack of protection of children who need special care and attention. This protection is primarily the responsibility of states, although it applies to others, including non-state actors, individuals, and families.

For SC Sweden, development goals and human rights goals are the same. The organization defines their missions and goals in human rights terms—to work for the realization of all children rights enshrined in the CRC. The goals reflect the decision to adopt the CRC as the organization’s foundational document. Its working methods reflect the system of

belief in human rights, employing key human rights principles in its work. The principle of accountability, non-discrimination, child participation, empowerment and best interest of the child are integrated into project cycles. Most of other human rights instruments provided by the CRC, such as reporting and monitoring the implementation of the rights of children, make important part of SC Sweden's work.

The organization has recently developed "Child Rights Programming" with Save the Children UK, to further articulate the link between its framework and programming. Save the Children has worked through a variety of UN human rights bodies. It has established a working relationship with the Committee of the CRC. It submits shadow CRC reports, and uses "Concluding Observations"⁵² as a starting point for program design in countries of operation.

Human rights education is key to its work. It believes that in order to realize children's rights, human rights education must be learned by all stakeholders, including SC Sweden staff, government officials, communities, teachers, children, and their families.

Save the Children Sweden's RBA can be called a "Classical RBA", featuring development work that is based its goals, process, and programs on international human rights laws, standards, and values. The "Classical RBA" sees critical development problems as the lack of protection for children. Its analysis and working framework is at the national level—similar to the human rights implementation and jurisdiction of sovereign states. Development process includes child participation, non-discrimination, accountability, and the principle of "best interest of the child". The Classical RBA makes use of international human rights bodies and mechanisms. Human rights education is an important part of its conceptual framework.

⁵² "Concluding Observations" are documents that UN Treaty Committees produce after reviewing the reports of state parties of the treaties and after meeting with representatives of state parties on progress of the implementation of such treaties.

5.4 THE THREE MODELS OF RBAs: POLICY, STRATEGY AND PROGRAMMING

This section assesses the interpretation of RBAs of ActionAid UK, Oxfam GB, and SC Sweden by examining their development policies and strategies. It shows whether organizations use human rights as tools to achieve development goals, as opposed to treating human rights of people as goals in themselves. The former uses some human rights principles and adds them to its development strategies, such as participation, empowerment, and advocacy. The latter holds that governments are principal duty-bearers to human rights. They usually use human rights instruments, mechanisms, and other means to hold the government accountable and to realize people's human rights.

ActionAid UK

ActionAid's experience working with grassroots groups and poor community leads the organization to interpret RBA, focusing on what it means to its grassroots work. The answer is to empower the poor so that they can claim their rights. This helps the organization pay more attention to the root causes of poverty, which it believes to be due to unequal power relationships. ActionAid therefore uses empowering the poor and marginalized as its key forces of change. This fits well with the issues it works on—particularly food rights and the right to a livelihood—as these themes allow them to work closely with the poor communities they aim to empower.

	ActionAid UK's Popular RBA	Oxfam GB's Equity RBA	SC Sweden's Classical RBA
Overall use of human rights framework	“Add on” approach	“Tactical” approach	“Comprehensive” approach
	-Uses human rights as a tool to strengthen grassroots communities -Variety of HR principles i.e. participation, empowerment and accountability	-Selectively uses of human rights in campaign -Creates its own five Aims, based on international human rights to link and base all programs -Advocacy at global level	-Uses human rights framework to base all its work -Uses various human rights tools -Strong advocacy and use of UN human rights mechanisms at the international level
Key forces	Empowers people to claim their rights	Advocates for changes through campaigns at the global level	Strengthens protection and realization of child rights through reporting and monitoring, HRE, and child participation
Key issues	Food rights, the rights to livelihood	Economic rights	Child rights
Human rights components in development strategic paper	No, mentioned as a program area among other development program areas	Yes, developed around five sets of human rights	Yes, multi-dimensions of child rights
Strategies	Heavy component of capacity building, strengthening local groups and movements	-Five Strategic Change Objectives -Integrates global campaigns into country work	Prioritizes areas and groups of children most denied and abused by countries
Programming	-Moving from area-based to theme-based -Diverse program goals based on countries	-Three types of interventions: humanitarian, campaign, and development. -Chooses priority themes for each country within the context of the five Aims	Twelve program areas and strategies and a recently developed programming tool, “Child rights programming”
Advocacy	-Limited capacity in lobbying work internationally -Nationally, lobbying work done through local GROs and NGOs	-Campaigns as key advocacy tool. -Internationally, conducts lobbying work itself, targeting international organizations and powerful states. -Strong advocacy element at the national level scaling up media work	-Internationally conducts lobbying work itself, targeting UN bodies and sometimes the EU -Nationally, lobbys through partners, mostly city-based CSOs
Empowerment	Strong	Medium	Medium
Activisms	Strong component at the national and local level	Strong at international level –through campaigning--but rather weak at the national level	Few, but growing, mostly at the national level

Figure 5.4 Policies, Strategies, and Programming of the Popular, Equity, and Classical RBA

ActionAid UK has a common strategy shared by all its members. The strategic paper, “Fighting Poverty Together,” identifies key directions from 1999-2003. The paper identifies four strategies, focusing heavily on strengthening the poor and the marginalized with a goal to mitigate barriers to poverty reduction at the international level. Although this strategic paper gives high value to human rights and a human rights-based approach, it tends to treat a rights-based approach as an “add-on” tool to development work, rather than as a fundamental change on the policy and strategic level. The four goals and strategic objectives do not show significant integration of human rights and development. Some strategic objectives still reflect a vision of human rights as a sectoral program of development work, such as “promote basic rights” as one of the two strategic objectives of Goal 1: poor and marginalized people will increasingly realize their potential (ActionAid 1999).

ActionAid identifies its strengths and matches up its comparative advantage with the direction of its work, as follows: (1) listen to poor and marginalized people, achieve trust, and take a long term and holistic approach to supporting their struggles; (2) skills in participatory methods and approaches can be used to make the voices of poor and marginalized people heard and help make duty bearers accountable to them; (3) promote poor people’s access to information and work to make all institutions affecting them more transparent and accountable; (4) form and strengthen networks; (5) as an international organization, tackle factors that deny rights; develop policy alternatives that link micro and macro perspectives, and give the poor direct access to international and regional institutions and forums (ActionAid 2000).

The organization, however, does not intend to discontinue its service delivery through which it developed its expertise over the past decades. Under the new RBA framework, service delivery is regarded as helping the poor and marginalized attain immediate, practical

improvements in their condition, while at the same time developing the new programs that nurture resistance, organization, and activism over the longer term.

ActionAid UK's strategies lead to development programs that contain many capacity building and empowering elements. The organization works with communities to help them form and control the development processes and "reverse the tradition of denying them the right to define their own reality and act on their own behalf" (ActionAid 2000, 13). The organization

ActionAid states that adopting a rights-based approach requires the following shifts:

1. *From Condition to Position:* From focusing on people's conditions to focusing on people's position, which in turn improves their conditions
2. *From Symptoms to Causes:* From focusing on the symptoms and effects of poverty to focusing on the causes of poverty
3. *From Delivery Services to Demanding Rights and Services:* Move from only 'Campaigning for delivering services' to 'organizing for demanding rights [including services]'
4. *From Thinking to Action:* The poverty framework over-emphasizes the need to study and analyze a situation and limits action. For a right-based approach, action is the basis of the work. AA thus notes that there is a serious danger in over-intellectualizing the work.
5. *From Apolitical to Political Orientation:* AA accepts that it has tended to de-politicize discussions and debates surrounding its work. However, adopting a rights-based approach will require it to be more "political".
6. A belief in a people-centered rights approach. AA starts from people whose rights are denied and violated rather than starting with the rights per se.
7. A belief that AA should not undermine the responsibility of the state to ensure delivery of services
8. A belief that service delivery in a rights approach is justified when there is a clear link between the provision of services and the increased capacity of people to claim their rights.¹

Sources: ActionAid 2000a.

Figure 5.5 ActionAid's Strategy Shift

also places a heavy emphasis on advocating for policy change, especially at the local level. This matches the organization's capacity, as ActionAid UK tends to have a limited advocacy capacity on the international level, but much stronger experience working and advocating at the provincial and local levels.

At the national and local level, ActionAid's RBA contains much of the south's style of activism, or collective action as a means to change power relations. It believes that leader or individual action is not enough for people's rights. There needs to be a process of organizing people as a group in order to gain a right (ActionAid 2000).

ActionAid has tried quite a few development approaches and ideas in the past decades, including sustainable human development in the early 1990s and RBA in the late 1990s. For the RBA, it does not use an international human rights framework as the basis for its work, nor does it reformulate its strategies in a human rights perspective. ActionAid UK's RBA uses key human rights tools and principles—participation, empowerment, and accountability—and adapts them to its existing work, which is a key feature of the “add-on” approach.

Oxfam GB

Oxfam's interpretation of RBA is affected by its organizational background and expertise in advocacy and campaigns targeting international development actors and issues. The Equity RBA is built based on its organizational strength, rather than on international human rights standards. Its key force of change is the advocacy for changes through global campaigns. This key force fits well with the thematic areas that Oxfam GB has chosen to work on—economic rights—for it

allows the organization to use its capacity in policy research and advocacy at the global level to address and challenge the policies and practices of global economic players.

Oxfam GB has successfully worked with other Oxfam members in working out a development strategy, stated in human rights terms. The paper identifies five sets of human rights that the Oxfam family will strive to achieve during 2001-2004:

1. The right to sustainable livelihoods (economic and environmental equity, and sustainable livelihoods for future generations)
2. The right to basic social services (equitable access to basic healthcare and education)
3. The right to life and security (equitable provision of protection, relief, and rehabilitation)
4. The right to be heard (equitable participation in political, economical, and social policy-making and decisions)
5. The right to an identity (equity in gender and diversity)⁵³

The present three-year strategic plan (2004 - 2006) retains the five sets of human rights with minor changes and emphases. For instance, it aims to shift its advocacy and campaign work from the UK to other influential countries and to the South. A new emphasis is on integration of campaigns into other areas of work, particularly the Make Trade Fair campaign.

As a major RBA product, the five aims, articulated in human rights terms, have resulted in more focused work. That is, they allow Oxfam to be more rigorous than before. For instance, in the Philippines, Oxfam's work used to be somewhat scattered, resulting in less impact. After Oxfam GB adopted the five aims, the country team has to show, for example with the right to

⁵³ The right to an identity can be changed to the right to equity in the next strategic plan (2005/6 – 2007/8), however key elements in this aim remains the same with the focus on gender and diversity (Oxfam GB 2004b).

livelihoods, how the policies, practices, and values are going to change at the local and/or global level.⁵⁴

Priority change is another important result of the five aims. Oxfam GB did not quite have priorities before the adoption of the five aims. On the country level in East Asia, for example, it ran short-term campaigns that came and went. Priorities in any one region or country program were determined by the need as assessed by the country team staff or by its expertise in certain areas. It lacked a centralized means of prioritizing. These five aims serve as a tool for staff to set priorities and their associated budgets.⁵⁵

In terms of programming, Oxfam GB divides its work into three types of intervention: humanitarian, development and campaign work. The three areas of work are based in one or more of the five aims. Despite sharing a basis of a human rights framework, each area has been developed and integrated into a human rights-based approach at different levels.

Humanitarian work has been the area of highest program expenditure and is expected to remain at 40% of total program expenditure in the 2006/07 budget.⁵⁶ Oxfam has invested a lot of effort in improving the quality of humanitarian work and has become a leading organization in the field. The organization felt that it should keep humanitarian work as a key priority.⁵⁷ The work falls under one of the aims (Aim 3). In humanitarian work, Oxfam gives the principle of the right to life as precedence of other rights as set out in the Red Cross and NGO code of

⁵⁴ Interview, Heather Grady, 6 February 2004.

⁵⁵ Interview, Heather Grady, 6 February 2004.

⁵⁶ The second highest expenditure in 2006/07 is the work on the right to a sustainable livelihood, including food and income security. The third highest expenditure is on the right to be heard, including participation of the poor and the marginalized (Oxfam International 2004)

⁵⁷ This, however, depends on the country, for instance, in Vietnam where there are not many humanitarian needs, Oxfam GB thinks it should keep about 10-15% of the annual budget. Philippines has conflicts in Mindanao and has many natural disasters, Oxfam GB plans to put up to 70% of annual budget for it. Interview, Heather Grady, 6 February 2004.

conduct, to which Oxfam is a signatory. There has been little progress in applying an RBA into this area, as compared with the other two areas.

Campaigning is a cross cutting area. It is a major force in advocacy and activism at the global and country levels. Globally, it receives about 10% of the global budget. One of Oxfam's key campaign strategies is to change public opinions using newly invested media work as the organization has recruited new staff with journalistic backgrounds. Campaigning has been integrated into country programs—this is called Programming (with a capital “P”), because Oxfam GB believes that all programs should have campaigning elements. The East Asia program, for example, has the livelihood program, which looks at labor rights. Some of this work is not primarily campaigning, but comes in the support of local organizations to improve the lives of laborers. However, it does aim to incorporate a campaign within it.⁵⁸

In campaigning work, Oxfam has applied human rights principles most inconsistently. The education campaign, for instance, does not make reference to, or is not based on international human rights framework of the right to education, which is more comprehensive and well-developed than many other development themes. Previously, the campaign focused on financing of basic education and girls' education, before shifting to use the Millennium Development Goal framework. The campaign limitedly reflects priorities of the right to education, such as universal primary education and non-discrimination, or highlights the interdependence of human rights, such as health and nutrition at schools.⁵⁹

As part of campaigning and advocacy efforts, Oxfam has invested heavily in building capacity of advocacy efforts. It lobbies international economic institutions, such as, the World

⁵⁸ Interview, Heather Grady, 6 February 2004.

⁵⁹ For a quick overview of Oxfam GB's education campaign, see its website: http://www.oxfam.org.uk/what_we_do/issues/education/introduction.htm. Oxfam GB also produces “Oxfam Education Reports”, reflecting education work in the framework of “human development”.

Bank, the IMF, and the WTO, as well as influential northern countries, such as, the US and the UK. There is, however, limited work on pressuring southern countries or on partnering with southern organizations in its campaigns, although it is moving towards involving government and civil society from the south.

Human rights-based principles have mostly been applied to development work, which is mostly country-based and must contribute to one of the five aims. Development priority setting has been derived out from the analysis of the external situation, which is not always in human rights terms. Along with senior management, the Regional Strategic Teams (RSTs) are key to regional strategic development. The country programs are then designed based on the regional strategies.

There has been some integration among the three areas of work—particularly humanitarian and development work—though full integration has yet to be reached. Campaigning work, which is planned and designed mostly from the Headquarters, has been weakly linked to the other two areas. The Oxfam strategic plan (2004-2006) asserts that a campaign is most effective when it has direct links with other programs, resulting in a call for continuous learning of how to link the three areas of work in the strategic plan (Oxfam International 2004).

Activism is closely linked with campaigns and country work. However, most activism remains in the north with little involvement of southern organizations. Most advocacy work in the south is carried out by development programs at country levels, through capacity building of local civil society organizations, so that they can advocate for policy change in their countries.

Oxfam GB has deprioritized some program areas after the adoption of an RBA. The East Asia regional director notes that the East Asia program has deprioritized health work because

there are other agencies operating with more health expertise. Besides, Oxfam GB has mostly done health work in its emergency program, and not so much in other contexts. So, the organization has now deprioritized the program and keeps it only in emergency work where it is well established.⁶⁰

Save the Children Sweden

SC Sweden's interpretation of RBA is effected by its previous work on children and the use of children's rights instruments in its work. The classical RBA is based on active advocacy and participation in the implementation of the CRC. It plays NGO's roles as suggested in the UN reporting mechanisms, that is, to monitor and report the progress of implementation of the CRC. Other work is built upon this solid ground.

SC Sweden sets its strategies and priorities based on the CRC. It analyzes children rights' situation, using the CRC, as well as the "Concluding Observations" of the CRC Committee, to determine the most disadvantaged groups of children, and prioritizes work with them. With the CRC as the foundation document of the organization, SC Sweden's priorities have shifted from delivering community services to child protection, and more recently to child participation, with an emphasis on human rights awareness. Issues, such as the physical environment of children, particularly youth (15-18 years old), have received a higher priority as it fits better within a child protection framework, while landmines and child soldiers have received less priority, at least in terms of resources.

SC Sweden's RBA programming aims at drawing on different traditions of actions, moving towards justice, equality, and freedom. Three traditions that should be integrated are:

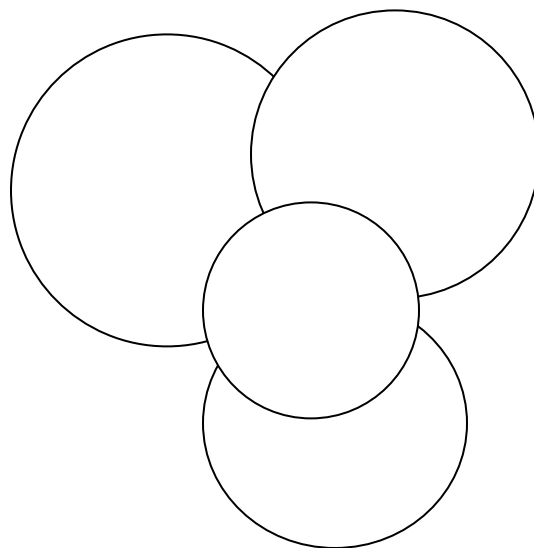
⁶⁰ Interview, Heather Grady, 6 February 2004.

Human rights:

- Strengthen respect for law, justice and freedom
- Human rights education
- Legislation
- HR monitoring and reporting
- Independent HR institutions
- System of redress

Development: promote:

- economic growth, increase incomes and resources
- Policy change
- Capacity building
- Quality of services
- Good governance
- Change in individual attitude and Behaviors

**Human Rights and Development through changes in:**

- Policy and law
- Resources allocations
- Quality of institutions
- Attitudes and behaviors
- Data and monitoring
- Participation

Activism:

- Mobilizes and supports people to demand their rights and put pressure on people in power
- Campaigning and advocacy
- Use of the media

Source: Joachim Thesis 2004, 12.

Figure 5.6 Save the Children Sweden's Model on Instruments of human rights, development and activism

first, human rights; second, development, charity, and relief; and third, social and political activism. Human rights offer a set of internationally agreed upon legal and moral standards, which cover civil, political, economic, social, and cultural rights of all human beings in all times and places. They define the obligations of governments, institutions, and individuals in terms of

respect, protection, and fulfillment. Development, charity, and relief deal with the distribution of resources and access to services, including health, education, social welfare, poverty alleviation, and income generation. Social and political activism helps mobilize people to demand a redistribution of power, such as the redistribution of wealth between the rich and poor nations through debt relief or changes in trade rules; women demanding equal pay for equal work; and landless peasants demanding a redistribution of farmland (Thesis 2002).

SC Sweden has developed a long list of program areas⁶¹ as a programming framework for regional and country offices to choose from and prioritize as they think appropriate to local situations. Under each program area, organization policies, objectives, strategies, and implementation methods are clearly identified, thus forming quite a comprehensive strategy paper. While Oxfam classifies its work into three categories (humanitarian, development, and campaign), SC Sweden has developed a better link of four working methods: research and analysis; direct support; knowledge dissemination and capacity building; advocacy and awareness-raising (SC Sweden 2001b).

In addition to the “program area” framework, SC Sweden has worked with other SC members to develop an important programming tool, known as “Child Rights Programming (CRP).” Compared to the program area guides, the CRP handbook is much less detailed, more complex and abstract, and thus unlikely to be a practical programming handbook. But the CRP is the most crucial component of the organization in framing its entire work in a human rights perspective. It gives the meaning of CRP as “using the Principles of Child Rights to Plan,

⁶¹ The Program Areas are: (1) exploitation and abuse of children; (2) children without sufficient family support; (3) children in armed conflict and disaster; (4) the child’s rights to non-discrimination; (5) the right to a good physical environment and good health; (6) the right to education; (7) children’s rights to be heard and to participate; (8) the human rights of the child and child rights programming; (9) good governance in the best interest of the child; (10) a civil society for the rights of the child; and (11) knowledge management, capacity building and rights-based program planning. Save the Children Sweden, Program Areas and Strategies, Stockholm: Save the Children Sweden.

Manage, Implement and Monitor Programmes with the Overall goal of strengthening the rights of the child as defined in International Law” (ISCA 2002, 23).

SC Sweden also emphasizes advocacy work as one of its four integral working methods. Internationally, SC Sweden has advocated and lobbied several UN bodies and European countries, as well as the European Union. It has been successful in getting child rights high on the agenda and has strengthened the commitment of its targeted institutions and countries. On the country level, where SC Sweden operates, its advocacy work has been done mostly through city-based civil society organizations (CSOs), with which SC Sweden has traditionally worked. Due to limited experience in advocating or lobbying southern governments, SC Sweden chooses the approach of advocacy-capacity building of local CSOs, instead of directly lobbying itself. This has become a major part of SC Sweden’s empowerment model.

Advocacy work is often integrated with activism. Before the adoption of an RBA, SC Sweden did not pay much attention to activism. Although activism had never been a strength of SC Sweden, recently it has developed as a new area of work toward which the organization is moving. Activism for SC Sweden is a mixture of traditional northern style activities (mostly used by human rights organizations), such as, public campaigning and advocacy with media work, and of traditional southern-style campaigning for the poor, the marginalized, victims, and potential victims, to demand of their governments certain rights (Theis 2003).

Human rights education (HRE) is a feature of the classical RBA. It has been one of the areas in which SC Sweden has prioritized and invested heavily (Theis 2003). SC Sweden believes that human rights education will contribute to long-term changes in attitude, knowledge, and behavior towards children’s rights. It sees that many governments lack the capacity to fulfill their obligations while civil society has a limited awareness and knowledge of human rights and

human rights mechanisms. The organization therefore designs programs to create this capacity. Trainings on various issues have been designed and conducted for different key target groups, including government officials and NGOs.

5.5 PARTNERSHIPS AND RELATIONSHIPS WITH STAKEHOLDERS

An important area of the RBA interpretation is partnerships and relationships with stakeholders, particularly with governments and partner NGOs and CSOs. Observers suggest that after adopting an RBA, an organization's relationship and strategies on relationships are likely to change. This section examines the interpretation of these three organization concerning what these changes are and the reasons behind these changes.

5.5.1 Relationship with Partner NGOs

It is generally agreed that RBA generates closer partnership. As discussed in chapter 2, an RBA leads to four changes in relations to partnership. First, an RBA bring greater partnership due to human rights solidarity underpinning the principle of universality and interdependent of human rights (Frankovits and Earle 2000). Second, an RBA should be shared and promoted to partners (Frankovits and Earle 2000). Third, an RBA brings changes in choice of partnership (Geidenmark 2000; Uvin 2004). Finally, an RBA NGOs should support local human rights NGOs (Uvin 2004).

The arguments on partnerships are examined here at two levels. First, in this chapter, there is an assessment of the extent that the three cases of NGOs state they would prepare for the expected change. Secondly, at the level of implementation in Chapter 7, the issue of partnership on the ground is reassessed.

SC Sweden believes that by adopting an RBA it is likely to work closer with partners. Human rights goals are so broad that no single NGO has the capacity to do all the work. Moreover, RBA calls for stronger partners-building to help promote the rights of the child (ISCA 2002). Internal factors also encourage the organization towards a closer partnership with others. These factors include a limited capacity, particularly in the number of staff. In addition, the organization than has more money to divert to other local and grassroots organizations.

ActionAid agrees and acknowledges that although governments and inter-governmental bodies are primarily responsible for defining and enforcing rights, it is through the process of governance that rights are achieved or denied. Governance necessarily involves relations with markets, civil society, family and community, as well as states. Therefore, an RBA will require ActionAid to build relationships with a wide variety of actors, beyond those with whom it has traditionally worked, including groups with which governments may not agree.⁶²

Both SC Sweden and ActionAid UK note that RBA make them work more with activism and human rights organizations (Theis 2004; ActionAid 2000). ActionAid goes further in interpreting that its partners should also be, or willing to be, RBA organizations and that ActionAid should help them to be so (ActionAid 2000). The organization has a plan to work with fellow partners for a specific period of time in which its partners could significantly shift

⁶² ActionAid notes that in most countries that it works, governments play important roles in identifying whom ActionAid can formally work with as partner, for instance, only registered organizations and not non-registered. ActionAid states that this needs to be changed so that non-formal groups, like self-organized farmers, can become their direct partners. See, ActionAid 2000, iii.

their work into a rights-based approach, prior to reviewing whether to continue their partnership (ActionAid 2000).

While an RBA introduces new partners for NGOs, it can also cause problems for them. A policy staff of ActionAid notes that partnerships bring with them large changes for the organization. It has proved to be one of the most difficult problems to solve as the organization not only needs to develop common understanding of an RBA with its staff, but also with those who work with the organization.⁶³

OxfamGB states clearly that working with partners is one of its four working approaches. “The Oxfams at all times work through local and accountable organizations and/or towards strengthening or facilitating the establishment of such organization or structures...and where and when local capacity is insufficient or inappropriate the Oxfams will help people directly... while working simultaneously on strengthen local capacity” (Oxfam International 2001, 2). For Oxfam, the empowerment of local organizations is vital to secure its economic and social justice goals. It notes that in 2000 Oxfam worked with over 3,000 local partners throughout the world. (Oxfam International 2001, 2)

5.5.2 Relationship with Governments

A key issue that draws almost opposite interpretations of an RBA is whether the approach suggests for a change from a cooperation mode, as it was in the past, to a more confrontational mode in order to address power relations—which is widely believed to be the root cause of poverty.

⁶³ Interview, S. Parasuraman, 11 February 2003.

ActionAid takes the lead in the interpretation favoring the confrontation mode.⁶⁴ The organization asserts that before adopting an RBA, it had long worked in co-operation with other stakeholders, trying to avoid taking sides or opposing government policy or measures, “as it is daunting and potentially risky to challenge the supreme power in the country” (ActionAid 2000, 15). A rights-based approach changes this tradition, as the approach is inherently political, aiming to change power relations.

ActionAid further articulates its interpretation, claiming that within its RBA, confrontation can be used not only when it is necessary, but also when it is appropriate. Its assumption is first, that poverty is caused by a denial of rights and failure to protect and fulfill the obligations of the authorities. Second, to eradicate poverty, one needs to change the power relationship between the poor and the authorities. Finally, the authority is unlikely to give up its power and instead is likely to support the status quo. A regional workshop for staff of country offices states clearly that: “Leaders, and organizations, engaging in rights-based work must be ready for confrontation and must realize that conflict is not bad. Changing the status quo calls for conflicts, as there will always be forces resisting change. Since this is a process of changing power relations, it has to be realized that power relations will not change unless challenged.”⁶⁵

This, however, does not mean that confrontational approach will be applied to all dimensions of its work. ActionAid’s decision to either cooperate or resist is calculated and

⁶⁴ It should be noted that a confrontational approach does not necessary mean using violence or protesting the government on the streets, nor using the “naming and shaming” technique of human rights NGOs like Amnesty International and Human Rights Watch. Writing a letter to governments, raising concerning issues, or submitting a report or other peaceful means can also be a confrontational approach. However, confronting that ActionAid suggests here contains much of the southern-styled protesting and other actions, aiming to pressure governments to change certain policies or measures within relative short timeframe, which might raise tensions, exacerbates conflicts between the groups and the government, or sometimes leads to violence from either side.

⁶⁵ “Those in power do not wish to give it up and then they will fight back, sometimes violently.... Therefore, it is not possible to undertake this work unless one “liberates themselves from fear”. Fearlessness maybe an innate trait or something acquired as one moves down the road of activism”. Vivek Pandit’s presentation on “Rights and Mass Movement: An Indian Example,” in ActionAid 2000, 5.

informed primarily by its analysis of power relations and overall strategy. Its position is simply that it will cooperate with those who stand with the poor and the marginalized, and “challenge and resist” those who stand against the poor and marginalized (ActionAid 2000, iii).

ActionAid’s position towards a confrontational approach is influenced by its experience working closely with social movements of the global south, which have traditionally confronted governments.⁶⁶ SC Sweden’s and Oxfam GB’s interpretation is somewhat softer. Both agree that without challenging power relations, RBA will have much less meaning, but the ways to challenge it does not necessarily or only mean confronting governments. Oxfam GB accepts that being political is unavoidable in adopting an RBA. But while ActionAid challenges the power at the local and grassroots level, Oxfam challenges the power at the international level through mainly its global campaigns, and to a lesser degree, through its development and advocacy programs at the national level.

SC Sweden’s interpretation is more balanced. It accepts that the adoption of an RBA means becoming more political, as the approach attempts to address power relations. But the organization recognizes that governments are key to protection and fulfillment of children rights and that it should find ways to establish a constructive and productive working relationship. It sees that both cooperation and confrontation have their own advantages in advancing children’s rights. SC Sweden notes, in general, good cooperation with governments speeds up the steps taken towards the realization of children’s rights, and there are times when confrontation might be needed to change the direction of the government’s practices on children’s rights. An

⁶⁶ Two important footnotes here are that: firstly, ActionAid usually does not put pressure or confront southern governments directly, but works through local NGOs and CSOs. Secondly, what ActionAid interprets and says it is committed or inclined to do, does not necessarily match what it actually does. In fact, this was the case in Vietnam, which will be discussed in Chapter 8.

organization will have to always use the best method in a given circumstance and be ready to change in a new situation.⁶⁷

5.6 CONCLUSION

This chapter finds that the concept of RBA, which has high potential to bring radical and powerful implications to the development enterprise, is weakened, as NGOs interpret the concept to fit their organization backgrounds and expertise. ActionAid's RBA interpretation focuses on empowerment of the poor, as the organization has expertise in working with grassroots and poor communities. Oxfam's RBA interpretation focus on advocacy at the international level, as the organization has developed its expertise in campaigning on international issues targeting international development actors. SC Sweden's RBA interpretation focuses on strengthening protection of children rights at the national level, as the organization has expertise working on children at the national level. Although the interpretations that are based on organizational expertise help advance some aspects of RBA, they hold back a full interpretation of what an RBA can mean to the poor, and in this process, they weaken the radical concept of RBAs.

This chapter begins with an argument that RBA is only one type of interpretation of the relationship of human rights and development. Development agencies increasingly claim that they, too, are rights-based organizations, or they too, contribute to human rights. This chapter tests their human rights-related development framework against four indicators: development goals, development processes, development programming, and use of human rights instruments.

⁶⁷ Interview, Joachim Theis, 27 January 2004.

As a result, four types of conceptual frameworks of the interconnection of human rights and development have been identified. An RBA is one of the four interpretative frameworks.

First, the “Apolitical Assistance” type sees that human rights and development goals and processes are different. They are in separated spheres and have little to do with each other, although parts of civil and political rights can contribute to development. This first type rarely uses international human rights instruments.

Second, the “Democratic Governance” sees that human right and development have different goals. Some human rights tools are used in development programs, emphasizing democratic institution building. Like the first type, though Democratic Governance does not use or refer to international human rights instruments.

The third type is the Caesar’s Salad. Development agencies of this type hold that human rights and development have shared goals. Some human rights principles are applied in development programs, although the use of international human rights instruments is still limited. This group tends to add new concepts to its previous ones and tries to mix them together.

The last type, the “RBA” believes that human rights and development goals are in fact almost the same goals. This group applies a variety of human rights principles and tools in its development work. It makes reference to international human rights standards and uses some instruments.

Within the same RBA type, three variants of interpretation are identified: the Popular, the Equity, and the Classical RBAs. A further analysis of three examples of Northern development NGOs (ActionAid UK, Oxfam GB, and SC Sweden) finds that the three organizations interpret RBAs differently in important ways, resulting in a variety of policies, strategies, and programming. ActionAid’s interpretation leads to the “Popular RBA,” featuring a local-to-global

analysis, strong empowerment of the poor and the marginalized, the “add-on” human rights principles in programming, “local-up” advocacy, and a limited use of international human rights instruments. The Popular RBA addresses power relations from the local up by strengthening and campaigning at the grassroots level.

These three variants are the results of the interpretation of RBA concepts to fit organizational background and expertise the NGOs had before the adoption of RBA. The interpretation that is aimed to fit organizational pre-position weakens the concept of RBA as some of the concepts get left out, such as equality and non-discrimination and the reference to international human rights standards. ActionAid has worked and had expertise working with grassroots groups before it created a “Popular RBA” emphasizing empowering grassroots groups. Oxfam GB has been a campaigning organization before it built up an “Equity RBA,” focusing on advocacy through global campaigns.

Oxfam GB’s interpretation forms the “Equity RBA”, featuring a selective use of human rights norms and instruments to legitimize and mobilize people and resources in challenging power relations at the global level with its global campaigns. This RBA sees human rights-based approach as a tool to reach its economic and social justice goals, rather than having human rights as goals in itself. In direct contrast to ActionAid, Oxfam has a global-to-local analytical framework. Oxfam’s RBA also features its five Aims, based on international human rights norms and linking together three types of intervention. Campaigning is a key advocacy tool for the Equity RBA, especially at the global level, where Oxfam GB has been more effective compared with the local level.

Save the Children Sweden introduces the “Classical RBA”, featuring a comprehensive use of international human rights norms and instruments. It states its goals within a human rights

framework, compared to a poverty framework, like the Popular and Equity RBAs. It deploys a variety of human rights and development tools in strengthening the protection and promotion of children's rights within the framework of its eleven program areas. Advocacy work is a key tool both on the international and national levels, although grassroots work has been limited.

The Popular, the Equity, and the Classical RBAs distinguish themselves in conceptual frameworks, policies and strategies, and the use of international human rights standards. The three models of RBA also show us that NGOs do not adopt all aspects of RBAs, rather they choose some of the concepts, standards, and principles that can best fit, sharpen, and improve the work, in which they already have expertise, working methods, and mandates. This weakens the concept of RBA from being fully interpreted and realized.

Partnership and relationship with stakeholders is a key area where interpretation of an RBA leads to different outcomes. The Popular, Equity, and Classical RBAs all agree that RBA adoption creates greater needs for partnerships, and with more variety of partners, including human rights groups. A more controversial interpretation is whether an RBA means more cooperation or confrontation with governments. When faced with a clear-cut challenge to take sides, ActionAid takes a strong stand on the side of the poor and chooses to confront governments when appropriate. The Equity RBA acknowledges unequal power relationships. With more experience working on political issues, Oxfam aims to address the power relations issue and confront governments and international institutions at the global level through its global campaigns. The Classical RBA is of a view that the merit of cooperation and confrontation is not absolute, but relative. It finds that constructive cooperation can accelerate the progress towards the realization of children's rights, while confrontation can be appropriate to address certain policies and practices that undermine human rights.

Having examined the problems involved in the interpretation of the RBA, we turn in the next chapter to the impact of organizational dynamics of the operationalization of the concept in development NGOs. This next chapter assesses how organizational process weakens and holds back the radical concept of RBA from being fully realized.

CHAPTER 6

THE EXPERIMENTAL, THE BLUEPRINT AND THE STEP-BY-STEP APPROACHES OF ORGANIZATIONAL CHANGE IN THE ADOPTION OF RBAs

As the Popular, the Equity and the Classical RBA have been put into practice, ActionAid UK, Oxfam GB, and SC Sweden have changed parts of their organizations to better translate their RBA conceptual frameworks into programs. Theoretically, in order to implement an RBA, significant organizational changes are necessary (Nelson and Dorsey 2003).

Building on the discussion in the literature review in Chapter 2 and the third hypotheses in regard to organizational change and RBA in Chapter 3, this chapter aims to examine the extent of organizational change in the context of adoption of RBAs. It's been found that NGOs do change several dimensions of their organizations in order to incorporate an RBA into practice. These changes include mission statement revisions, changes to organizational structures, the creation of change processes, the interaction patterns with other NGO family members, and new staff learning and training policies. Yet, these organizational changes are the second of the factors that weaken the strong and powerful concept of RBA, in that these organizational changes of development NGOs are largely aimed at tweaking the operational status quo, rather than reinventing the organization's operations. Some key features of the RBA get picked up and translated into management tools, such as access to resources and services, while others, such as the primacy of the issues of accountability and accountability, get lost. Other factors that inhibit

NGOs from delivering the full potential of the RBA are the organization's limited knowledge of human rights and the human rights approach.

This chapter will discuss the organizational changes of ActionAid UK, Oxfam GB, and SC Sweden as neither planned nor chaotic change, but “managed anarchy,” a mixture of the two. Second, the organizational changes of the three NGOs are not transformative, but are transitional changes, and fall short of the level of change required for a full embracing of an RBA. Third, organizational changes in the context of the adoption of RBA, with the exception of SC Sweden, can be characterized as fine tuning, aimed at “doing things better” rather than “doing things differently”. Fourth, the three NGOs have developed and implemented three different processes of organizational changes; what might be called “the experimental,” “the blueprint” and the “step-by-step” approaches respectively. These change processes are non-linear. Fifth, NGO staffs are not trained in RBA interpretation and the depth of change required for an RBA implementation; subsequently there can be NGO staff resistance. Sixth, NGOs' family factors can affect the individual NGOs political capacity to adopt an RBA. Finally, training workshops as presently constructed are insufficient in addressing the lack of knowledge and skills in human rights and RBA.

This chapter will assess six areas of organizational change: the vision and mission; the process of organizational change; the human factor including incentives and resistance to change; the NGO family factor; and training and other learning policies.

6.1 CHANGES AT THE TOP: REDEFINING VISIONS AND MISSIONS

Changes in vision and mission statements are important indicators of an organization's direction and momentum in that these statements tell us not only the reason for an organization's existence, but also tell us their beliefs, worldviews, values, and development framework. In management terms, clear vision and mission statements are essential for effectiveness because they link an NGO's purpose, policies, strategic choices, and modes of actions. Organizationally, changes in vision and mission statements are changes "at the top of a hierarchy of organizational features, which need to be in place if lower levels of organization activity are to be done well. Without these 'foundations,' serious inconsistencies between policies and real-life practices can and do arise" (Fowler 1997, 35).

After adopting RBAs, what the three NGOs have in common in terms of organizational change was that they reviewed and amended their vision and mission statements. However, as members of alliances, the three NGOs could not simply change their vision and mission statements. They also had to advocate for change through the international or alliance offices so that other members would revise their missions and goals and maintain unity within the NGO family. This was an additional task for the three NGOs, but all of them succeeded in getting their alliance/international offices to adopt RBA vision and mission statements. What the three NGO families also share was that the processes of change within their families have been led by the three organizations. The difference among the three cases was the degree of human rights components in their visions and missions.

SC Sweden and SC UK are the leading forces of change in the Save the Children family, the International Save the Children Alliance (ISCA), home of thirty-two SC members. A key meeting, pushed by the two organizations, resulted in the vision of “a world in which all children’s rights are fulfilled,” and the new mission adopted was “to fight for children’s rights and to deliver immediate and lasting improvements to children’s lives worldwide.”⁶⁸ Both vision and mission statements clearly refer to reasons for existence in human rights terms, which set the context and direction for further work on goal setting and strategy formation. This can be seen as a significant change and a success of the Classical RBA, given the fact that some of its powerful alliance members, such as Save the Children USA, did not support an RBA.

ActionAid UK changed its vision and mission statement by adding human rights components, such as stipulating the right to life of dignity in its poverty eradication goal. Its vision statement now is to help create “a world without poverty in which every person can exercise their right to a life of dignity.” Its mission statement, “to work with poor and marginalized people to eradicate poverty by overcoming the injustice and inequality that cause it” (ActionAid 1999, 7), attempts to link human rights to a poverty reduction framework. The final product makes ActionAid’s human rights stand more explicit. The mission statement follows the spirit of the vision, specifying its key target groups and spelling out key concepts that it will work on: poverty, caused by injustice and inequality. The brave action of identifying causes of poverty in the mission statement reflects the organization’s efforts to move beyond healing the symptoms of poverty to addressing root causes of poverty, as in the doctrine of the Popular RBA interpretation. As such, ActionAid’s mission statement sets the tone for the

⁶⁸ In addition, the vision statement adds that SC Sweden works for a world, which respects and values each child, a world where all children participate and have influence, and a world where all children have hope and opportunity. Save the Children Sweden, *Compass: Framework and Directions for Save the Children Sweden*, Stockholm: Save the Children Sweden, no date, p. 11.

integration of human rights integration into their poverty framework, setting a tone throughout the entire organization.

After Oxfam International was founded in 1995, the mission statement of 1996 read: “Oxfam International is an international group of independent non-governmental organizations dedicated to fighting poverty and related injustice around the world. The Oxfams work together internationally to achieve greater impact by their collective efforts.”⁶⁹

Oxfam does not state its mission in human rights terms. Its focus on poverty and suffering does not mention human rights explicitly. In fact, without the term “injustice” in its longer version of the mission statement, Oxfam’s mission statement is very similar to that of the World Bank!⁷⁰ However, when it comes to strategies and goals, Oxfam GB highlights its RBA and stresses that RBA is one of the four approaches⁷¹ that its twelve members have in common.⁷² This reflects a feature of the Equity RBA brand of Oxfam GB; it does not tie its purpose to human rights. Rather, human rights enter at the strategic and tactical level.

⁶⁹ In addition to the statement, Oxfam announces its 18 points of their belief. The first six of them are: Oxfams believe that:

1. Poverty and powerlessness are avoidable and can be eliminated by human action and political will.
2. Basic human needs and rights can be met. These include the rights to a sustainable livelihood, and the rights and capacity to participate in societies and make positive changes to people’s lives.
3. Inequalities can be significantly reduced both between rich and poor nations and within nations.
4. Peace and substantial arms reduction are essential conditions for development.
5. Poverty is a state of powerlessness in which people are unable to exercise their basic human rights or control virtually any aspect of their lives. Poverty manifests itself in the inadequacy of material goods and lack of access to basic services and opportunities leading to a condition of insecurity.
6. All poverty is almost always rooted in human action or inaction. It can be made worse by natural calamities, and human violence, oppression and environmental destruction. It is maintained by entrenched inequalities and institutional and economic mechanisms.

⁷⁰ The World Bank’s mission reads: [Our dream is a world free of poverty](#). To fight poverty with passion and professionalism for lasting results. To help people help themselves and their environment by providing resources, sharing knowledge, building capacity, and forging partnerships in the public and private sectors. To be an excellent institution able to attract, excite, and nurture diverse and committed staff with exceptional skills who know how to listen and learn. See, <http://web.worldbank.org>.

⁷¹ The other three are: humanitarian response and action; action, advocacy and learning; and working with autonomous local partners.

⁷² Oxfam has set its development goals within a human rights framework. It asserts that poverty is an injustice, resulting from unequal power relations based on gender, race, class, caste, and disability and other characteristics (Oxfam International 2004).

ActionAid UK	Vision	A world without poverty in which every woman, man, girl and boy can exercise their right to a life of dignity.
	Mission	To work with poor and marginalized people to eradicate poverty by overcoming the injustice and inequality that causes it.
Oxfam GB	Vision	N/A
	Mission	Oxfam works with others to overcome poverty and suffering.
Save the Children Sweden	Vision	SC Sweden's vision is a world in which all children's rights are fulfilled. SC Sweden works for a world, which respect and values each child, a world, which listens to children and learns, and a world which all children have hope and opportunity.
	Mission	To fight for children's rights and to deliver immediate and lasting improvements to children's lives worldwide.

Figure 6.1: Vision and Mission Statements of ActionAid UK, Oxfam GB and Save the Children Sweden

6.2 PROCESS OF ORGANIZATIONAL CHANGE

After redefining their vision and mission statements, the three NGOs initiated their organizational changes by articulating development policies and strategies as discussed in Chapter 5. This section takes a look at how the three organizations have managed their organizational changes focusing on the key element of change and how the change processes were designed and implemented.

The process of organizational change of the three NGOs started from quite different timeframes. ActionAid's change is the most recent, starting in the late 1990s after the problematic adoption of the sustainable development and people-centered approach. Oxfam GB

and SC Sweden's changes have been on a multi-year track with acceleration at the end of the 1990s. Oxfam's organizational changes date back from the early 1990s when it conducted a major strategy review in response to the changing global environment.⁷³ The more recent change was a product of the 1997-1998 strategy review, which led Oxfam to be more explicit on its RBA. SCSweden's organizational transformation came in the context of an RBA adoption, which started back in the early 1990s.

	ActionAid UK	Oxfam GB	SC Sweden
Overall pattern of change process	“Experimental” Starts from regions and countries without clear direction, and later tries to build the core	“Blueprint” Starts from the core with the creation of five aims and pushes out to regions and countries	“Step-by-step” Initiated from the center, then regions and countries work together with the head office in mainstreaming RBA
Process of change	Weak central plan, dependant on interests and commitment of staff in regional and country offices	Changes are centrally planned and directed. The five aims and their SCOs are central to organizational change	A step-by-step approach at both organizational and programming level
Change direction and control	Lack of clear direction—scattered and experimental. Weak push from the headquarter, allowing regional and national flexibility	Top-down structure. The five aims and their SCOs framework provide direction and control. Fast changing, major shift in organization culture, uniformity	Decentralized—the Headquarter use the Program Areas as a framework and control to regional and country offices
Change in organization structure	Localizing AA establishing local ownership and governance system at the country offices Though the regional offices have traditionally been weak, this is changing rapidly	Move management into regions with strong authority for regional directors	Little changes at organizational structure Strong authority for regional directors

Figure 6.2 Organizational Changes Processes of ActionAid UK, Oxfam GB and SC Sweden

⁷³ See, interesting details of the “transformation” in Lindenberg and Bryant 2001, 39-45.

6.2.1 The “Experimental” Change Process of ActionAid UK

In the late 1990s, ActionAid’s organizational change in terms of adopting an RBA took place against the backdrop of the de-popularizing of the sustainable, people-centered development (SD/PC) approach, which had initially triggered a major reform in the early 1990s. Similar to the time of the adoption of the SD/PC approach, ActionAid did not impose pre-set definitions or guidelines on its field staff in a top-down fashion.⁷⁴

While Oxfam has developed its five aims and their strategic change objectives (SCOs) based on human rights norms and SC Sweden has developed its twelve program areas as a programming framework, ActionAid has the “Fighting Poverty Together” strategy (1999-2003). The strategy uses human rights language in a limited fashion and does not fully reflect the Popular RBA. This is partly due to timing, as ActionAid accelerated in its engagement with its RBA after the strategy was launched in 1999. In fact, the first (known) staff to have an RBA and human rights background was hired in late 2000 to develop an introductory sectoral-based paper and manual on RBA and emergency work.⁷⁵

The changes at ActionAid really started in 2000. On the organizational structure level, the key organizational changes were: first, a revamping of regional offices. Before the adoption of an RBA, some regional offices had very limited resources, with staff often consisting of a regional director and one administrative staff. As was seen, for instance, with the Asia regional

⁷⁴ In the case of the adoption of a SD/PC approach, ActionAid did not push the approach downwards, partly due to the lack of internal consensus on development vision and guidelines. See, Nicholls 2000, 161.

⁷⁵ Interview, Luis Morago-Nicolas, 1 March 2002; Luis Morago-Nicolas, “Learning about Rights: A Set of Modules on Rights and Humanitarian Standards in Emergencies,” London: ActionAid UK, 2002; and Luis Morago-Nicolas, “The Rights-based Approach to Emergencies: A Beginners’ Guide,” London: ActionAid, 2002; and Luis Morago-Nicolas, “A Rights-based Approach to Emergencies: Rights-based Analysis in Practice,” Briefing Paper, ActionAid UK, London, November 2000.

offices in Thailand and India, this small capacity naturally diminished the office's effectiveness.⁷⁶ After the adoption of the RBA, new experts were recruited and put in positions where they could be close enough to country offices and yet free enough to work on policy development with the headquarters. There emerged a new role of regional offices, focusing on linking the headquarters and country offices and keeping the information flowing from the country offices to the headquarters and vice versa.

Second, the adoption of an RBA has brought the policy and the programming departments closer together. The two departments used to work separately. The RBA's call for closer links between policy and practice—one of the most difficult tasks—has drawn the departments together. This process largely involves getting policy advocacy work integrated into development program work. This change, however, takes place only in some offices. ActionAid UK in Nepal, for instance, has experienced this structural change, which helps bring together groups, focusing on civil and political rights and those focusing on economic, social, and cultural rights. However, ActionAid India still maintains the structure in which all of its fourteen offices are managed by program officers, all of whom, however, are new, with strong human rights backgrounds.

Third, to better work to support the poor to claim their rights as the Popular RBA suggests, ActionAid has started a kind of local emphasis at the national level. The organization is attempting to change the national offices from being branches of ActionAid to local organizations with their own governance systems. ActionAid now aims to register national offices with governments, build up the national capacity, and set up national Boards to articulate

⁷⁶ Interview, S. Parasuraman, 11 February 2003.

the priorities of the countries and oversee the policy, strategies, and program implementation.⁷⁷
(Theis 2004)

Fourth, despite the new demand for the policy team to link up with the programming team, the long struggle of the policy department continues as it searches for a way to meaningfully add human rights components to development programming.⁷⁸ Its role on the ground is still unclear; often leading to work on technical assistance, general support, and conducting fragmented projects.

The change process of ActionAid is experimental. The process is both laid back and chaotic. The headquarters is rather slow in coming to agreement on developing policy and program guidelines, leaving regional and national offices plenty of autonomy to experiment with new directions and project work. The result has been that ActionAid's organizational and programming changes are inconsistent and dependent on the interests and commitment to an RBA of the regional and national staff. Without a shared strategic and program framework, ActionAid's organizational changes are often un-directed, and sometimes, unorganized.

The organization, however, is working to learn from the experiments at its periphery so that these experiences can be integrated into the core of the organization. The strength of this experimental organizational change process is that it allows local staff to experiment with ideas that address specific local issues. This is an important method to build capacity of local and national offices and help them become key development players. Although this process takes more time, compared with a central-planned approach, it is more likely to lead to an international

⁷⁷ Personal communications, Khun Jan; and Theis 2004.

⁷⁸ Nicholls notes that the Policy Advocacy Department is a key product of ActionAid's reform. Established in the mid-1990s at ActionAid's headquarter in London and in many of country offices, the policy department spent its first eight years attempting to restructuring, trying to choose and define its key issues and advocacy strategies for its department. See, Nicholls 2000.

RBA strategic framework that has strong local relevance, through a process that is, in itself, as a Popular RBA suggests, one of empowerment.

6.2.2 The “Blueprint” Change Process of Oxfam GB

Contrary to the bottom-up change of ActionAid, Oxfam GB’s change processes can be explained as a “blueprint,” starting with allowing the germinal ideas, or yolk, to coalesce at the center, and then push out to the regions and countries. Oxfam GB started with the development of five aims that their regions, departments, campaigns, and programs would gather around. This change process has been centrally driven, developed, and controlled from the headquarters in Oxford. At the same time, however, Oxfam GB has been moving towards decentralization, allowing authority and flexibility to its field staff in developing programs within the framework of the five organizational goals.

Finally, whereas previously it did not have any regional offices, in the past ten years, Oxfam GB has moved to a regionalized structure. Now it has pushed authority from the center of Oxfam GB out to the regions. Regional directors, who used to work in Oxford, have been working in the regions since 1999.⁷⁹ This organizational change process has helped strengthen communications links to country offices and the headquarters. It supports countries, organization messages, and accountability.⁸⁰ Oxfam GB now has strong regional offices, responsible to regional programs and playing the role of adviser to country offices in choosing and planning projects.

⁷⁹ Interview, Heather Grady, 6 February 2004.

⁸⁰ Interview, Heather Grady, 6 February 2004.

Oxfam GB has a rather top-down approach in mainstreaming its RBA and in facilitating its learning process. This central-led approach helps create strong uniformity and it moves regional and country programs into one direction. While other organization have taken slower approaches in making changes, experimenting with various methods and resulting in little impact, Oxfam's centrally-driven plan is more effective in reshaping the organization to deliver its Equity RBA. This is made possible by strong leadership, including commitment from the Board and senior management. However, this top-down approach produces some risks, such as the potential for less creativity at the programming level, structural inflexibility and less opportunity for local staff ownership and commitment.⁸¹

6.2.3 The “Step-by-step” Change Process of Save the Children Sweden

SC Sweden initiated the adoption of an RBA approach with strong leadership from the top whose key decision to adopt the Convention of the Rights of the Child (CRC) became the organization's foundation, since the treaty came into force in 1989. But in the last half-decade, the leadership's efforts to push the RBA forward have weakened. Mainstreaming the classical RBA during the second half of the 1990s was largely carried out by mid-management, who relied on cooperation with other programming staff. These staff members worked to set up meetings with the top management to promote understanding of an RBA and to gain support in different forms from the management. As of 2001, no meeting on RBA had been set up with the team who took the lead in organizational learning and Board of SC Sweden. However, the Board has been informed of the approach and some of the Board members attended seminars on RBAs

⁸¹ Top-down, hierarchical, centralized, control-oriented organizations obstruct and undermine the learning and experimentation. See, Smillie 1995.

that SC Sweden organized for its staff and partners. The weak push from the top leadership, the lack of the authority of mid-management to centrally plan for the RBA mainstreaming, and the reliance on selling the idea and cooperation,⁸² has resulted in a “soft-sell” and “step-by-step” approach. This step-by-step approach is driven mostly by mid-level program and policy officers and advisors who are committed to an RBA.

Throughout the 1990s SC Sweden continuously shaped its Classical RBA through redefining working methods and program areas to better serve the realization of the CRC. These program areas, similar to Oxfam’s five aims, form the framework on which all the work must be based. Program areas though are more articulated in terms of policies, strategies, and methods for implementation. In other words, Oxfam GB’s five aims are broader strategic goals, while SC Sweden’s program area framework is narrower and provides more detailed strategic plans.

Unlike ActionAid UK and Oxfam GB, SC Sweden did not restructure its regional offices. These regional offices continue to have high authority, serving as the arms of the headquarters in ensuring the delivery of programs. They also collaborate on specific global issues such as corporal punishment and the UN study on violence against children. Most regional directors and key staff are sent from Stockholm—many of them Swedish nationals—to give Stockholm a more opportunity for scrutiny since the central office gives somewhat high autonomy to country offices. Country offices are a key driver of SC Sweden’s classical RBA. They also have high autonomy in setting priorities, identifying strategies, designing programs, and choosing partners—all within the set program areas.

Rather than a top-down approach, the decentralized Stockholm office plays a supporting role, particularly in technical assistance, such as the development of RBA programming manual

⁸² A possible cause for a weak push from the leadership is that the Swedish members and donors of SC Sweden perceive SC Sweden as a relief organization for children; they are willing to see SC Sweden work according, rather than becoming a human rights-based organization.

and trainings. The headquarters has limited capacity to play the role of fostering global collaboration, as staff at the headquarters has limited experience and specialization in the regions. Moreover, SC Sweden has the culture of moving staff around to new areas with the result that staff ends up having little expertise. SC Sweden compensates by hiring consultants at the country level.⁸³

SC Sweden has enjoyed a slow but sure approach in reorganizing its organization to deliver its Classical RBA. The organization, however, has gone further than ActionAid UK and Oxfam GB in changing its roles and developing new working methods. This step-by-step changing process has turn SC Sweden into a child rights organization with few characteristics of a community development NGO that it used to be. Currently, the step-by-step approach calls for more practical skills. Now that there has been more investment in CRP and children participation, there is a clear need for setting up standards for all sorts of management, such as participation and evaluation.⁸⁴

6.3 THE HUMAN FACTOR

Staff is key to organizational change, and very much so within the context of the adoption of an RBA, as it is staff members who actually deliver the RBA concept in practice. A number of NGOs have highlighted possible difficulties in managing NGOs' staff, especially through the process of getting them to change the approach with which they are accustomed. The CARE

⁸³ Interview, Joachim Theis, 27 January 2004.

⁸⁴ Interview, Joachim Theis, 27 January 2004.

leadership, for instance, notes that one of the things it learned was the difficulties in helping staff to take a more analytical approach to their work (Lindenberg and Bryant 2001).

Moreover, introducing new approaches can also lead to resistance from staff. This resistance can be either hard or soft resistance. Hard resistance is resistance to change to an RBA organization at a fundamental level, such as the preference of need-based relief work over rights-based, long-term change. This type of resistance can seriously hamper organizational transformation. Soft resistance refers to staff resistance to particular aspects of RBA or particular areas of work even which they agree and support the fundamental concept of an RBA. For example, staff may support RBA principles but disagree that the organization should set up an advocacy office dedicated to lobbying work.

This next chapter section reviews staff's reaction to the adoption of the Popular, the Equity and the Classical RBAs, and discusses how the three organizations have handled the effects of the human factor in their organizations, including incentives for changing the approach to an RBA. It also assesses the effects of the RBA interpretation framework and organizational change process on staff.

6.3.1 ActionAid's Staff and Its Popular RBA

ActionAid's staff had the strongest reactions to the adoption of an RBA, compared with the other two organizations. Before the adoption of an RBA, most programming staff came from a background in development, and almost none from a human rights background. After the adoption, there have been staff members who felt uncomfortable with the new RBA, resulting in

	ActionAid UK	Oxfam GB	SC Sweden
Staff reaction to RBA	Some staff with development background left the organization after adopting an RBA. Clear division between staff with a human rights and development background New staff with human rights background strongly supports its RBA.	No strong reaction to staff as RBA is perceived as a tool to strengthen existing work. No division between staff with a human rights or development background Not many staff with a human rights background	Staff welcomed an RBA approach Despite the co-existence, there are two cultures of programming staff: those with development and those with human rights background
Affect of RBA interpretation on staff	Strong need for new skills and knowledge of human rights and RBA tools, e.g. policy advocacy and grassroots participation	Some need for selected skills for Equity RBA, e.g. advocacy, campaign, and communications	Strong need for new skills and knowledge of international and national human rights standards and mechanisms based on the child rights programming
Affect of RBA organizational changes on staff	Limited centrally-plan for change and the experimental change process at the national levels put strong pressures on some enthusiastic country offices, and little pressure on some less enthusiastic country offices	Strong central plan with good integration of ready-made equity program management tools make it easy to cope with new change. Pressure is also lessened with a soft push	The “soft-sell” and “step by step,” expanding over a decade, give staff enough time to accept and learn new skills. Limited pressure on staff.
New staff recruitment policy	Clear policy to recruit new staff with human rights background New programming staff with human rights background is recruited to key programming positions	No policy to recruit new staff with human rights background Some new recruitment of journalists and economists to strengthen research and public campaigning	New programming staff has more human rights background New programming staff is expected to have some advocacy and media skills.
Importing RBA experts	Experts are recruited to develop policy at the headquarters	No RBA experts are recruited. Policy is developed by existing senior staff	New RBA experts are hired regionally

Figure 6.3: Staff Reactions on the Adoption of RBAs, New Recruitment Policies, and the Affect of RBA Interpretation Frameworks and Organizational Change Processes of ActionAid UK, Oxfam GB, and Save the Children Sweden

a series of resignations of staff with development background and a wave of new recruitment of those with a human rights background. This has become a phenomenon that has indirectly helped the organization to restructure its personnel. For example, ActionAid India lost 90% of its staff

in four years (1999 – 2002), when the headquarters increasingly pushed for the RBA. The organization has brought in an almost entirely new program staff with a human rights background in a short period of time. The same 90% figure applies for ActionAid Pakistan. ActionAid Nepal has replaced 40% of its staff through the same process and has hired a new manager with experience from Amnesty International, the largest human rights organization on the planet.⁸⁵

For ActionAid UK, its new staff is key to the success of the process of mainstreaming its RBA. Its Popular RBA framework requires substantial knowledge of human rights and RBA tools, such as advocacy and lobbying work. The framework generates the needs for substantial human rights skills and knowledge on some human rights tools, especially those that are applicable in grassroots work, such as human rights education for the poor—and not for human rights professionals. The new skills and knowledge required by the Popular framework therefore lead to a recruitment policy that new staff should have a human rights background. A side effect is that there develops clear divisions between staff coming from the two different backgrounds. However, the adoption of these recruitment practices is not universal, and is dependant depending on the commitment of the leadership in each country. For example, ActionAid in Vietnam does not have such a division between its staffs. In fact, there has been no staff change at all resulting from the RBA in Vietnam. In addition to recruiting new staff with a human rights background, ActionAid also hires RBA experts to accelerate policy development at its headquarters.

ActionAid's experimental change process generated some hardcore resistance, leading to a series of resignations and high turnover rate in some countries. Although this gave the

⁸⁵ Interview, S. Parasuraman, 11 February 2003. Despite the percentage of staff's leaving from the informants, there is a possibility that these staff resigned for different reasons, and not only because of the disagreement of RBA.

opportunity for ActionAid UK to restructure its staff, there was considerable resistance from some of the remaining staff. A key issue of the existing resistance, especially of those in the field, is that they feel that relief work is necessary. They are closer to suffering people and are keen to take immediate steps to relieve the suffering rather than talking about a rights-based approach. An ActionAid staff in Burundi, for instance, noted in a workshop, “a drowning person needs a rope, not a sermon” (ActionAid 2000b, 1). The organization has responded in a compromising manner, reflecting its “add-on” approach. It explains to staff that the relationship of the new rights-based approach and tradition relief work is not “this *or* that”, but a “this *and* that.” That is, for an organization with a solid background and experience in rural relief and service delivery like ActionAid UK, RBA is likely to be added to strengthening its existing work. For instance, the emergency department has developed a rights-based framework for relief work. A challenge for ActionAid UK in this case is how to mediate between and among the competing demands of an RBA and relief needs.

6.3.2 Oxfam GB’s Staff and Its Equity RBA

Oxfam GB’s method has been to link all of its work around its five aims and apply human rights standards to its work selectively. Most of Oxfam GB’s program staff has not gone against the new approach; rather, they are willing to work for the achievement of the new set of goals.

Oxfam GB’s RBA Equity framework selectively uses human rights goals and tools and integrates them into their overall goals and program management tools. The foundation of the framework is poverty-reduction, and not human rights, leading to little in the way of a requirement for new skills and knowledge of human rights and human rights tools. As a result,

Oxfam GB does not try to recruit program staff with a human rights background.⁸⁶ Nor does it indirectly create pressure on program staff to know more about human rights. As a result, there has been no division between staff with human rights and development backgrounds. Unlike ActionAid, most of Oxfam GB's program staff members with development backgrounds do not leave the organization and still make up the majority of the programming team. However, Oxfam GB does put more emphasis on new staff to have some advocacy, campaign, and communications skills. Most of the programming staff with a development background has by this time learned on their own to speak the language of human rights.

For Oxfam GB, despite the most top-down change process, its "blueprint" approach has received little resistance. This is largely due to the good integration of human rights goals into the five aims and SCOs and the development of planning and evaluation tools, which help program staff manage their programs with little required knowledge of human rights. The Equity RBA framework, based on a poverty framework rather than a human rights framework, lessens the feeling of alienation due to unfamiliar vocabulary of a human rights framework. By adopting an RBA, many Oxfam GB's staff feel that the relevance and effectiveness of their existing programs have been improved due to human rights thinking being blended into program management tools, rather than being forced into a new world of program management that they are not familiar with. The Regional Director for Asia notes that the little resistance experienced is largely because Oxfam GB has not pushed it very much and that resistance may increase if the organization pushes the approach more.⁸⁷

Oxfam GB has some soft-core resistance at the management or senior level. A key issue is that the organization has announced itself as an RBA organization, and some senior

⁸⁶ Interview, Heather Grady, 6 February 2004.

⁸⁷ Interview, Heather Grady, 6 February 2004.

management of Oxfam GB do not think that Oxfam GB should engage in the advocacy work in developing international human rights standards. While some senior management holds that as a large and leading NGO working from an RBA, Oxfam GB should join with others NGOs in advocating for governments to adopt the Optional Protocol of International Covenant on Economic, Social and Cultural Rights (ICESCR), other senior management disagree and do not see any reason why Oxfam GB should go in such a direction. Two reasons stand out; one, that it is going to take a lot of time, another, that lobbying and advocating for the ratification of the Optional Protocol is not one of Oxfam GB's campaign priorities.⁸⁸ This disagreement ends up with no action to support the Optional Protocol of the ICESCR, reflecting the triumph of the orthodox Equity RBA over a deviant. That is, for the Equity RBA to champion in "economic and social rights" means to work on "economic and social justice," which comes from subjective notion of social justice—legitimized through public campaign and the media, and not from international human rights norms and standards.

6.3.3 SC Sweden's Staff and Its Classical RBA

Like ActionAid, Save the Children Sweden recruits new program staff with a human rights background. This is due to the demand of good knowledge and understanding of national and international human rights framework of the Classical RBA. Previously, it recruited program staff with development backgrounds, partly resulting in slow progress in mainstreaming its Classical RBA in the first half of the 1990s. It was only from 1994-1995 that SC Sweden recruited staff with a strong interest and commitment to human rights.⁸⁹

⁸⁸ Interview, Heather Grady, 6 February 2004.

⁸⁹ Interview, Joachim Thesis, 17 February 2003.

The new recruitment policy resulted in the co-existence of two groups of program staff members, the development people and the human rights people. The development people want to work on their own, focusing on implementing projects. They have less interest in human rights, compared to people with human rights backgrounds. The difficulty can be seen more in Stockholm than in country offices as many staff and partners still see SC Sweden as a development NGO that primarily works on implementing projects for children, rather than as an advocacy organization or supporter of local advocacy groups.⁹⁰

The new staff with human rights backgrounds have been directly assigned to the task of linking human rights and development. This new staff is expected to be more “outspoken” in addressing political and power relations issues, which the organization believes to be the root cause of child rights abuses. They are therefore required to have skills in communicating with the media, which was not a qualification before the adoption of an RBA. In other words, the new staff has to be both good community organizers and good communicators, particularly with the media.⁹¹

SC Sweden’s step-by-step change approach has brought the least resistance both at the headquarters and the country offices. The “soft-sell approach” of SC Sweden took the organization four to five years before the CRP became widely accepted by SC members and staff (Theis 2003). At the same time, resistance was reduced due to the slow pace of adoption, rather than to push staff to accept the Classical RBA. This “bottom-up” approach of SC Sweden has also helped staff with a variety of strategies chosen to promote children’s rights in different country contexts.

⁹⁰ Interview, Eva Geidenmark, 13 June 2002.

⁹¹ Interview, Joachim Theis, 17 February 2003.

A staff of SC Sweden writes: “an RBA requires that staff take positions on controversial issues. This may cause resistance from staff and partners who see themselves as welfare workers rather than rights activists” (Theis 2003, 8). In practice, there has been some soft resistance at the country level. Some program staff at the country level resist the RBA because they see it as abstract, complex, impractical, and too political. Trainings on Child Rights Programming have not helped lessen this resistance. It is suggested that less abstract and more practical program tools need to be developed for program staff, such as the Global Impact Monitoring (GIM) which simplifies what is seen as a complex approach into five simple questions (Theis 2003).

In sum, reactions of staff of the three NGOs are different, resulting from the different RBA interpretative frameworks and organizational change processes. The RBA interpretation framework determines the level of the needs for new skills and knowledge from staff relating to human rights and RBA. The organizational change processes affect how the organizations respond to the new needs, including whether a new recruitment policy is established.

The three organizations have provided little incentive for their staff to adopt RBAs. However, RBAs have emerged in the three organizations as a new way of working, which provides opportunities for fast learners to be more recognized and therefore promoted. In general, RBAs are welcomed by staff of the three organizations, although there are areas and spots of resistance. This resistance is an obstacle to the realization of RBA concepts, which would require full commitment from staff members in learning to work with the new methods. Resistance management and motivating staff to the new approach is a clear need of the three NGOs.

6.4 THE FAMILY FACTOR

All three organizations—ActionAid UK, Oxfam GB and SC Sweden—are members of alliances—ActionAid International, Oxfam International, and the International Save the Children Alliance—respectively. All three NGOs are key members who push their NGO families in adopting and transforming into RBA organizations. Their families now are in different stages in terms of RBAs. The families are not static, or simply the sum of their families members. Interestingly, all three families are moving towards a unilateral organization mode.⁹² That is, their members are willing to give up some of their autonomy to the center. This is largely due to competition, funding, and donors.⁹³ Within this context, this section will assess the effects that the NGO families have on RBA adoption of ActionAid UK, Oxfam GB, and SC Sweden, and vice versa.

6.4.1 ActionAid UK, ActionAid Internatinal and the Popular RBA

ActionAid UK has been known as ActionAid for a long time. In fact, the “UK” was only added in the name when the ActionAid Alliance was founded in 2003. ActionAid UK is one of the most influential members in the family. It played an important part in forming the ActionAid

⁹² Lindenberg and Bryant (2001) identify five types of NGO families, ranging from high to low degree of member organizations’ autonomy, roles, and responsibilities: (1) separate independent organizations; (2) independent organizations with weak umbrella coordination; (3) confederations; (4) federations; (5) Unitary organizations.

⁹³ Lindenberg and Bryant (2001) argue that most organizations are moving towards the unitary model, especially after 1995 when NGOs faced serious problems in coordinating emergency work particularly in Somalia, Rwanda, and Bosnia. This is the case for Save the Children, ActionAid, and Oxfam. Globalization also “put immense pressures” upon the NGOs family to move toward a more coordinated rather than purely independent or unitary approaches.

Alliance, initially situated in Brussels. In December 2003, ActionAid International was founded as part of the process of the “internationalization” of ActionAid (ActionAid International 2003).

	ActionAid Alliance (ActionAid International)	Oxfam International	International Save the Children Alliance
Year alliance founded	2003	1995	1997
Year found (AAUK, OGB, SCS)	1972	1942	1919
Alliance office	Johannesburg	Oxford	London
# of staff of all members	1,787 (all AA)	Over 4,000 (all Oxfams)	N.A. (all SC)
# of staff at the Alliance office	N.A.. (AAI)	25 (OI)	25 (ISCA)
# of staff	N.A. (AAUK)	3,000 (OGB)	165 (SCS)
Number of alliance members	6	12*	29
Country of operation	42	100+	120+
Total budget (US\$)	147.8 (2003)	665.8 (2003)	574.5 (2003)
Relationships with members	Federation	Confederation	Federation
Five largest members (financially)(2003)	UK US N/A (others)	UK The Netherlands Australia Spain America	UK USA Sweden Norway Denmark
Key policy/strategy strategic documents	Fighting Poverty Together (1999-2005)	Toward Global Equity Strategic Plan (2001-2004) and (2004-2006)	1996 Strategic plan and new mission statement
*Oxfam International also has two new organizations as “Observing Status Affiliates”: Agir ici (France) and the Vamos Foundation (Mexico). Both are expected to join OI as full affiliates in 2006 (OI 2003).			

Figure 6.4: NGO families: ActionAid, Oxfam and Save the Children

Its office is located in Johannesburg, South Africa. One motivation for the move to South Africa was to be “politically correct” in not having its headquarters in a developed country. Another motivator was to start “the process of making all our country programs equal partners with an equal say on how we operate.”⁹⁴

From its inception, ActionAid International has adopted “Fighting Poverty Together: ActionAid’s Strategy 1999-2003,” expanded to cover the period of 1999-2005, and developed by ActionAid UK, as its strategy. ActionAid International has a small policy team that engages directly with its RBA. The team works with 40 country offices. The link between the headquarters and country offices is carried out through regional offices. After ActionAid International was reformed in its move to Johannesburg, it has played more of a role in regional strategic directions as it now has directors overseeing regions, themes, and functional areas. This is a major change compared to the previous ActionAid Alliance, which had few staff and played a minor role, for instance, providing technical support in fundraising to country offices.

Within the family, members of ActionAid International have high autonomy in planning and implementing projects. They are independent financially and can make decisions on the projects they wish to work on. As the most influential family member, ActionAid UK has been able to turn ActionAid International into a rights-based organization from its very inception. It is agreed among ActionAid members that the organization must move away from service delivery to the poor toward advocating to the duty bearers to provide services and other obligations to the poor. As ActionAid puts it, “rights-based approaches focus on not allowing the duty bearer to escape its responsibility for service delivery. Rather than acting for the poor by providing direct services, rights work focuses on acting with the poor so that they can demand services from duty bearers themselves (ActionAid 2000a).

⁹⁴ <http://www.actionaid.org/aboutus/index.html>.

ActionAid International has little affect on ActionAid UK and its RBA. On the contrary, it is ActionAid UK that influences ActionAid International. This may change in the near future as ActionAid International is being restructured with more authority to make policy and provide frameworks for program delivery.

6.4.2 Oxfam GB, Oxfam International, and the “Equity” RBA

A meeting to establish Oxfam International (OI) was held in 1992, resulting in the development of a shared policy paper outlining the issues and needs.⁹⁵ In 1994, Oxfam International was set up by Oxfam GB and Ireland and nine other relief and development agencies.⁹⁶ The first joint strategic plan, “Towards Global Equity,” was adopted in 2000.

Since its inception, OI has remained a weak central office with a limited role. It now has 25 staff members, working in 8 offices including advocacy offices in Washington, New York, Brussels, and Geneva. Recently, OI has played more of an advocacy role through its advocacy offices. This is in addition to its ongoing traditional work on networking and coordination, particularly on humanitarian work and its work in communications and facilitation, such as, assisting new organization members in capacity building.

One of the reasons for these limited roles is that key organization members, including Oxfam GB, are reluctant to give up more autonomy and resources to the International Secretariat.⁹⁷ Oxfam GB believes that OI should remain small, continue in its current role, and

⁹⁵ A senior staff of Novib notes that Oxfam International was founded by Oxfam GB, Novib (Netherlands), and Intermon (Spain) in 1995 (Browwer 2001).

⁹⁶ Oxfam GB and Ireland became two separate bodies, Oxfam GB and Oxfam Ireland, in 1998. Other agencies, which formed OI in 1994, were from America, Australia, Belgium, Canada, Holland, Hong Kong, New Zealand, and Quebec.

⁹⁷ In a note to the staff, Oxfam GB’s executive director confirms that Oxfam GB has already entered a “confederation plus” relationship with the Oxfam International Alliance, as it signed up on the International Strategy

retain a confederation relationship with affiliates. Their view is that if OI has more work, it should be conducted by using the resources of Oxfam's affiliates. Oxfam GB also proposed that the Oxfam family should not be too large, as it would be difficult to get agreement on policy and could result in a loss of efficacy due to increasing organizational transaction costs (Oxfam GB 2003f).⁹⁸

In 2002, Oxfam International initiated a review process of its organizational architecture. The Executive Directors and Board members began the discussion in November 2002. Oxfam GB participated in the initiative focusing on its collaboration with OI.⁹⁹ Using McKinsey Consultant's findings, Oxfam GB posited that the Oxfam family's different areas of focus need different types of collaboration. To Oxfam GB, global advocacy and campaigning offers the greatest potential for collaboration. Their priority, then, is integrating advocacy and campaign work at the regional level. For international humanitarian work, Oxfam GB sees the need for greater collaboration and proposes a humanitarian consortium model. In essence this would mean that only a few Oxfam members would take the lead in humanitarian response on behalf of all Oxfams, and would be accountable to them (Oxfam GB 2003f).

Country and regional programs, where a human rights-based framework can largely apply, are the areas where Oxfam GB does not seek to unify the work. Its position is that Oxfam members can work in the approach they believe in, and improve the learning and sharing of knowledge and experience from the field (Oxfam GB 2003f).

Plan and common positions on advocacy work. However, Oxfam GB does not agree with the idea of "moving towards an ever closer union." See, Oxfam GB 2003f, 1.

⁹⁸ The proposed size of Oxfam GB is 15-20 members, with new members from the south and influential north, particularly from G8 countries. In addition, Oxfam GB opposes other types of Oxfam's membership, such as associates.

⁹⁹ The Corporate Management Team, the Trustee, the International Division of Senior Management and McKinsey consultant firm worked together on the issue. The process helped Oxfam GB develop its working position with OI. That is, collaboration with OI aims at improving efficiency and effectiveness, and not just for collaboration's sake.

Oxfam GB is an influential member in OI. Of the two, Oxfam GB exerts greater influence on OI than OI does on Oxfam GB. There are Oxfam members that still largely practice relief work, although to a lesser degree when compared with to Save the Children and ActionAid. Being the largest and traditionally most influential member, Oxfam GB has played a crucial role in bringing Oxfams together and directing them towards an RBA network. While there is room for improvement, Oxfam GB does not seek to push other Oxfam affiliates further toward a stronger commitment to an RBA. The organization states that it does not wish to change other Oxfam members' approach and that it sees the diversity of the different Oxfam as a strength (Oxfam 2003f).

6.4.3 SC Sweden, the International Save the Children Alliance, and the Classical RBA

After the first Save the Children organization was founded in London in 1919, the Save the Children Union was officially founded in 1920. During the early years, the Save the Children family started off with one body to make decisions over all of its operations in the 1930s and swung to the other way by becoming completely separate, independent organizations by the 1970s. In 1977, a number of Save the Children formed the Save the Children Alliance, a network that works mostly to coordinate international advocacy work from Geneva. (ISCA 2005). The movement toward a stronger central authority began again in the 1990s when it developed a weak umbrella coordination in 1993 to cope with problems of maintaining standards. In 1997, efforts continued as members met to project a common brand name and strengthen quality standards. Save the Children then entered the confederation stage with the establishment of the International Save the Children Alliance (ISCA) in 1997. The current intention to move forward

to a federation stage is not easily implemented in that member organizations have developed their work in different directions, with different emphases and working methods.

The ISCA is home of 29 Save the Children members, which operate in 120 countries. There are, however, other Save the Children agencies in numerous countries that are not members of the ISCA and who do not necessarily endorse the ISCA's policy and goals.¹⁰⁰

The ISCA itself plays a limited role. It has about 25 staff, working to serve its 29 members. It has focused the work around building fundraising capacity for individual members, including helping organize fundraising events such as the World Sailing Race (Lindenberg and Bryant 2001). Another role of the Alliance is to coordinate with its members. There have been successful cases, such as in Kosovo, when the alliance completed its negotiated agreement among alliance members. However, in general, the coordinating role has been rather limited, as members, including those that work in the same country of operation, tend to have their own priorities, networks, and capacities to carry out the work. This also leads to a rather limited role of the alliance in strengthening quality control and preventing duplication (Lindenberg and Bryant 2001).

Despite a new mission statement in human rights terms, Save the Children has not been able to form a new set of common strategies shared by all of its members. Many SC members pushed for a joint RBA strategic plan, but they ended up having a “five-year plan of action”¹⁰¹ and a “Common Framework of Operation,” aiming primarily to map out all the work that SC members do in particular countries. The key objective of the paper is a coordinating one—to avoid overlapping and to work together more effectively—not an agreement on strategies or

¹⁰⁰ This is partly because the alliance, established in 1997, is relatively new, while the organization itself was founded in 1919. Many members have worked independently for decades and have continued their practices, resulting in a rather diverse NGO family. See, Lindenberg and Bryant 2001, 39.

¹⁰¹ The paper was approved by the ISCA Board, which comes from representatives of SC members.

attempts to integrate human rights into development programs. In general, there are still little external forces to move away SC members from existing work or to develop common positions or strategies shared by all members. That is partly why there are still little substantial outcomes of dialogue on developing a common strategy among SC members, though there are some positive signs, as the Chair of ISCA assures that the ISCA is “investing considerable time and effort in the development of a strategy to ensure that Save the Children can achieve much more for children in the year ahead. Every Member of the Alliance has contributed to the development of a long-term strategic plan” (ISCA 2003, 19).

The “second attempt” at an RBA instrument within the family aimed primarily to develop a common framework to a rights-based approach. The ISCA set up a Co-ordinating Group on Child Rights Programming. The group consists of members of SC Sweden (convenor), SC Norway, SC Denmark, SC UK, SC Canada, and the Alliance Secretariat in London. One of the major products of the Group was a handbook of Child Rights Programming (CRP), published in 2002. The handbook provides a comprehensive introduction to an RBA and child rights programming and serves as an official guideline to the Classical RBA. Although the CRP is a handbook, and not a joint strategic paper, it is expected that it will pave the way to a joint strategy of ISCA members. At least it is the first concrete confirmation of the commitment to RBA of the ICSA, pushed forward by these seven SC members.

Unlike Oxfam, SC members do not have common strategic directions. The absence of shared strategies leads SC members to a great diversity in their commitment to its RBA. Several factors have intensified this variation. First, the ISCA is a confederation organization. Its members are independent organizations. The “plan of action” is only a set of guidelines that leave plenty of room for members’ discretion. The ISCA does not have any incentives or

pressure to get its members to come up with agreed-upon plans. For instance, SC US has a seat at the ISCA's Board, which approves the Five-year Plan of Action, but it has not taken steps in a rights-based direction.

Secondly, the ISCA does call on its members to adopt an RBA, but the result of the call depends on the intention and interests of its members. Although there is a forum for all members to meet and exchange experiences, this forum does not function as a decision-making body.

Third, different members tend to have different cultures in working with other organizations. SC Sweden has a stronger culture of working with others, compare to SC UK or SC US. This is a supportive factor of the adoption of a rights-based approach, which tends to require working with others. Other SC members may not have such characteristics.

Fourth, some thematic issues are more closely related to human rights, making it easier for NGOs to adopt an RBA, and vice versa. For instance, SC US focuses on children's health and nutrition issues, which are traditionally relief-oriented, while SC Sweden works on child protection, which is more human rights-oriented.

Finally, members of ISCA have different development backgrounds and work in different contexts. Although they work on the same children's issues, some of them do largely relief work and some work through government funding, making it hard for them to lobby governments on development issues. SC US, for instance, has acted as a government contractor and is not motivated to become an RBA NGO. It finds itself with "has more in common" with other organizations like CARE USA than it does with Save the Children Sweden (Lindenberg and Bryant 2001,133). In addition, SC US works under different US charity laws, in a society that is less friendly to an RBA commitment, compared to that of Europe.¹⁰²

¹⁰² Some may argue here that in the US there is little rights-based discourse academically and politically, especially under the Bush administration, which is hostile to human rights-based approaches. Although political, cultural, and

In sum, the loose structure of ISCA, the lack of joint strategies, the lack of pressures or incentives from the ISCA, as well as diversity in working themes, cultures and working environments, all leave the ISCA with about 7 out of 29 members that are committed to the classical RBA. These members include SC Sweden, Norway, Denmark, UK, Australia, New Zealand, and Canada.

	ActionAid International (AAI)	Oxfam International (OI)	International Save the Children Alliance (ISCA)
Contributions in promoting RBA within the family	Moderate and increasing. Confirm that the alliance is an RBA network, but with no documents tying them.	Strongly through the signing up to the joint strategies based on human rights.	Moderate. Largely by calling on members to adopt RBA, but with no joint strategic documents
Production of RBA documents	Yes, "Fighting Poverty Together," a joint strategic plan	Yes, "Towards Global Equity" a joint strategic plan	No, joint strategic paper, but a "Child Rights Programming," an RBA programming guideline
Influence of the family on individual members (AAUK, OGB & SCS)	Very limited. Despite the joint strategic paper, AAUK has great flexibility to choose priorities.	Limited, largely through the joint strategic plans.	Very limited. The absence of a joint strategy allows SCS to develop its own RBA. Other initiatives are based on the willingness to cooperate with the alliance
Influence of the individual members (AAUK, OGB & SCS) on the family	AAUK plays active role in strengthening AAI as an RBA network. It has not been able to push much further.	OGB plays an active role in strengthening OI as an RBA network. There is more room to push further, but OGB chooses not to.	SCS plays an active role in strengthening ISCA as an RBA network. There is little room to push forward.

Figure 6.5: NGOs' Family and Their Contribution to the Adoption of RBAs

human rights environments have influenced organization's decisions to adopt a human rights-based approach, these are not absolute explanations. In the same US environment, CARE USA and Oxfam America do use a rights-based approach, while the Ford Foundation is a key advocate for human rights and human rights-based development.

6.4.4 The Effects of the Family on the Adoption of RBAs

From three case studies of NGOs and their families, the following can be concluded: First, *NGO families have limited influence on the adoption of an RBA of large NGOs*. Large and influential NGOs like ActionAid UK, Oxfam GB and Save the Children Sweden have interests in adopting RBAs due to their own causes, and not because of the family. In an opposite way, the three NGOs played active roles in pushing and turning their respective alliance networks into RBA networks, which may influence other alliance members to a greater level of commitment to RBAs.

Second, *NGO families can give positive reinforcement for the adoption of an RBA by family members*. That is, a strong alliance network with a commitment to an RBA can strengthen the commitment to RBA adoption by its members. Oxfam International, for instance, has its members sign up to a shared strategic paper, which governs key directions of programs. Member organizations that traditionally do not show a strong interest in a human rights-based approach, such as, Oxfam Hong Kong, have gradually added more human rights elements in their programming work.

Three, *a joint strategic paper is a key in mainstreaming RBA within a family*. Without a joint strategic paper, an NGO family tends to have difficulties promoting the RBA within the alliance. For example, the ISCA has had difficulties promoting RBA among its members. The CRP handbook is finished, but it is no substitute for a joint strategy. Pro-RBA members of ISCA still have to develop a joint strategy. On the other hand, OI and AAI have joint strategic plans to strengthen commitment to RBAs by tying together the goals and strategic directions of other Oxfam and ActionAid members. Two factors are found to strengthen this tie to a strategic paper.

The first is the level of obligation derived from signing the strategic paper. Oxfams, in a confederation structure, have taken the compiling of a strategy more seriously, compared to ActionAid in its federation structure. The result is that there is less diversity in strategic directions among Oxfam members. The second is the level of articulation and sophistication of the strategic plans. Oxfam's "Toward Global Equity" has gone further in turning a goodwill and aspiration statement into achievable and measurable goals, compared to ActionAid's "Fighting Poverty Together," which is still relatively broad and less practical.

6.5 TRAININGS AND OTHER ORGANIZATIONAL LEARNING POLICIES

Training and organizational learning policies are an important organizational dimension of the interpretation of the three types of RBAs and the organizational change processes. In this study of the three NGOs— ActionAid UK, Oxfam GB, and Save the Children Sweden—trainings are used to achieve the goals of becoming a Popular, Equity, and Classical RBA respectively. These trainings also interact with the experimental, the blueprint, and the step-by-step approaches of the change processes respectively.

6.5.1 ActionAid UK's Learning and Training Policy on RBA

ActionAid UK has an organization learning strategy, stating that it aims to become a learning organization and a “knowledge leader” in six areas, including an RBA area.¹⁰³ In practice, the RBA learning process of ActionAid UK can be described as on-going and “learning by doing.” Organizing training workshops is one of the key tools that ActionAid UK has used in promoting its RBA. In fact, the organization has organized numerous training workshops on RBA, starting with RBA trainings on selected themes. Food rights¹⁰⁴ was one of the earliest training issues, before ActionAid UK moved to a broad range of issues covering the first five out of six types of RBA trainings: (1) human rights principles and standards (e.g. non-discrimination, particular treaties); (2) rights-based tools (analysis, planning, monitoring, and evaluation); (3) advocacy skills (lobbying, campaigning, and media); (4) mobilizing skills (participation, partnering); (5) thematic human rights (e.g. education, HIV/AIDS, and food); (6) specific professional training (e.g. to police, prison guards, and military personnel). These trainings were co-organized by the headquarters, regional offices, and country offices.

In general, ActionAid UK's training is less structured and focused, allowing greater flexibility for participants to raise and discuss issues. The positive side is that the training encourages participants to voice their concerns. However, the down side is that its trainings touch on many issues at a surface level,¹⁰⁵ leading to the most frequently found problem of RBA

¹⁰³ The other five areas are education, HIV/AIDS, food rights, participation and governance, and peace building (ActionAid, 2002). ActionAid Shared Learning Strategy 2002-2004, London: ActionAid, p. 4.

¹⁰⁴ “Food rights” is the new name for “food security,” made after the adoption of an RBA.

¹⁰⁵ An exception is the ActionAid Asia regional workshop in Bangkok, July 31 – August 4, 2000. The outcomes were rather successful as the workshop went beyond theoretical conceptions of human rights-based approaches to development and focused on their implications. Many operational frameworks and issues were identified. See, ActionAid 2000a.

	ActionAid UK	Oxfam GB	SC Sweden
Policy of learning about RBA	Yes, clear mandate from the top. RBA is identified as one of the six areas to learn	No clear policy on learning particularly about RBA	Yes, clear policy on staff learning and capacity building to do RBA.
Focus of RBA learning	Experimental with less focus, covering a variety of issues, such as participation, the use of legal frameworks, empowerment, advocacy, and campaigns.	Advocacy, communications, and campaign, as well as program management	Early 1990s, focused on international human rights laws and standards. Late 1990s, focus on developing tools for program staff
Concentration of the learning about RBA	Regional and policy staff, and some staff at the country level	Senior management and policy staff and slowly moved to program staff	Started from the top then moved to concentrate in the mid-level management
Key Training strategies and plans	“Experimental” on a variety of issues. Co-organized by headquarter, regional offices, and country offices. Increasingly moving to case studies to aid staff in implementation	No training strategies or activities on RBA	Centered around “CRP” Training course delivered at country offices Create pool of trainers from all SC members New efforts to go beyond human rights mechanisms
Training topics	Type 1, 2, 3, 4, & 5 Broad range of issues, loose structured and less focused	No trainings on RBA	Type 1 & 2, well structured with clear focus. RBA Programming: CRP with strong component of human rights framework. Participants can bring their own work to assess against RBA
Trainers and trainees	Mostly by own staff with human rights background and some external consultants.	No trainings on RBA	Own staff, hired for training. Staff work directly to develop training materials and deliver trainings Trainees: mostly SC staff (both Sweden and other SC members) and other partners
Training materials	Limited and less developed, partly due to the unstructured and open manner of training workshops	A PowerPoint presentation available in the website.	Self-developed, CRP. Focus on international human rights framework. Concentrate around developing tools and methods for CRP
Content on addressing power relations	Rather weak and not the central issue of trainings	No training on RBA	Comprehensive, including analysis of duty bearers on related rights

Figure 6.6: Training and Learning Policies of ActionAid UK, Oxfam GB and SC Sweden

trainings—participants find RBA interesting and get motivated, but do not know what and how to do things when they get back to their home countries. In the other words, the hard part of the trainings is not to understand the policy or concepts, but rather to implement the RBA policy. In response, ActionAid UK has developed case studies on its RBA in order to fill in the gap between policy and practice. The Asian regional office in Bangkok, for instance, hired consultants from Mahidol University in Thailand and Harvard University in the US to conduct the implementation of a rights-based approach, comparing RBA experiences in Vietnam and India (Petcharamesree and Rosenblum 2003).

ActionAid has yet to fully use trainings as a tool to achieve its Popular RBA goal. The challenges of power relations at the grassroots and local levels are only minimally reflected in its RBA trainings. The framework, difficulties, and experiences of grassroots empowerment are not yet the central points of workshops. Rather, its training activities—which cover most of the possible training issues—reflect its “experimental” change process. As the organization continues experimenting and trying to find its direction, training workshops also reflect the void of a core training strategy. It is therefore a challenge for ActionAid UK to identify training priorities and to strategize its training and learning activities in ways that maximize the learning and knowledge gained from its numerous experiments.

6.5.2 Oxfam GB’s Learning and Training Policy on RBA

Oxfam GB has a long history of experience in institutionalizing the sharing and learning of development work. Specifically, it has produced a well-respected journal, “Development in Practice,” and has initiated a “Cross-Program Learning Fund” to create more space for learning

with relatively few resources (Roche 1995). However, when it comes to the learning and training on its Equity RBA, Oxfam GB has invested very little in new planning and monitoring tools, or in training of staff and partners in human rights.

While other NGOs mainstream their RBA by rolling out a process of staff training in a human rights framework, Oxfam GB does not train staff on a rights-based approach or international human rights laws and standards. What Oxfam GB has done instead is to change the way it plans its work and the way it talks about its work. Now all the work has to contribute to changing of policy, practice, ideas, and belief.¹⁰⁶

In the absence of RBA trainings, Oxfam GB produces a simplified version of a learning tool, a Power Point presentation. It is aimed for staff to get an overview of what RBA means for Oxfam. The presentation explains what international human rights instruments mean, what the implications are, and how the organization might plan and evaluate its work. The presentation was developed by a staff of Save the Children and then adapted by Oxfam GB. This learning process, however, is voluntary, so there are no measurable outcomes associated with it.¹⁰⁷

Why has Oxfam GB not provided RBA trainings for its staff? On the surface, it does not make sense for a well-respected and leading NGO like Oxfam GB to fail to provide proper trainings and skills to complete its work. But on closer examination, it can be understood that Oxfam GB's Equity RBA puts together its five aims—based on international human rights standards—but it does not base its work and working methods on such human rights standards. With the tactical use of human rights in the Equity RBA, there is no need to retrain its staff, because there are little new human rights skills and knowledge needed in adopting the Equity RBA. The same reason applies to Oxfam GB not recruiting new staff with a human rights

¹⁰⁶ Interview, Heather Grady, 6 February 2004.

¹⁰⁷ Interview, Heather Grady, 6 February 2004.

background as ActionAid UK and Save the Children Sweden have done. The Equity RBA does not require many new skills. As long as the program staff integrates campaigns—its major advocacy tool—into their development work and ensures that their work contributes to changes in policy, practice, ideas, and belief, development work will contribute to its RBA goals, the five aims. So, instead, Oxfam GB sees that the skills they need to build for staff are advocacy, communications, and campaigning skills, and not international human rights laws and standards.

A question remains to be answered in Chapter 7: Does Oxfam's GB Equity RBA work on the ground, given that the staff has no background, knowledge or skills in human rights?

6.5.3 Save the Children's Learning and Training Policy on RBA

Save the Children has a good track record in organizational learning.¹⁰⁸ Similar to its change processes, its learning and training initiatives are largely driven by mid-level management with considerable support from top leadership, resulting in relatively slow progress in the first ten years of the adoption. Despite the slow start, SC Sweden has accelerated its training and learning initiatives on RBA since 2000. Compared to ActionAid UK, SC Sweden has invested more resources systematically and continuously on trainings.

In the first six slow years of RBA learning (1989 – 1995), SC Sweden focused its learning around the legal framework provided by the CRC. This included the CRC monitoring and reporting mechanisms, and dissemination of the CRC reports. The trainings at this time covered basic knowledge of the CRC and the legal framework of this international human rights

¹⁰⁸ The organization has policies on organizational learning, including the development of a wide range of good practices, a child rights programming guide, training manuals, and a computerized information system that provides materials on projects. It gives incentives for staff to learn by exchange visits, workshops, contract extensions, and short sabbatical leaves to write up project experiences. Other initiatives include the rewriting of a job description to include learning, and the development of program monitoring and an evaluation system. See, Edwards 2002, 340.

law. Starting in 1997, SC Sweden started to realize that the dissemination of information and reports of the CRC were not quite enough in pursuing its goals. The content of its RBA learning and trainings then shifted to the implications of the CRC with the intention to link the CRC with the existing work on the ground.

Since 1998, the SC Alliance started its rights-based learning process by organizing a series of meetings, aimed at helping organizations understand the meaning and implications of Child Rights Programming (CRP).¹⁰⁹ The goal of clarifying CRP has been carried out through a number of CRP training workshops, introductory booklets, and experimental program work at the country level. SC Sweden actively participated in the process and co-led with SC UK in developing key CRP documents and training workshops. It was through this process of ongoing learning that CRP received acceptance on the country and regional levels.

Despite the lengthy time involved, a positive side of the process is that SC members and programming staff are engaged in the RBA learning process, which is a crucial component in the mainstreaming of an RBA. In the other words, these four to five years of “clarifying” and mainstreaming have both started and continued the learning process. By the time the CRP was widely accepted, staff had already progressed in learning and experimenting with the classical RBA.

A senior staff of SC Sweden notes that SC’s rights-based approach has gone through three stages. The first stage clarifies the concepts, principles, and standards of an RBA, and is done through training consultative meetings, workshops, and publications. The second stage applies the concepts and principles into existing development and human rights frameworks. The third and ongoing stage moves rights-based thinking and practice beyond traditional development and human rights by finding simple and effective approaches, new forms of

¹⁰⁹ Interview Eva Geidenmark, 13 June 2002; and Joachim Theis 2003.

management, new tools from other fields, and moving beyond conventional sectoral work (Theis 2004).

SC Sweden has hired new staff to link the headquarters' policy to mainstream CRP and local training needs. Its work is to develop staff's capacity with Classical RBA work, including developing its own CRP training materials and conducting training workshops. SC Sweden's training workshops have high standards, tailor-made to fit the needs of its Classical RBA and local contexts. They are well structured, focusing on types 1 and 2 of RBA trainings: (1) human rights principles and standards (e.g. non-discrimination, particular treaties); and (2) rights-based tools (analysis, planning, monitoring and evaluation).¹¹⁰ In the early 2000s, it was found that the training needs of SC Sweden's staff had shifted from explaining to staff what human rights, RBA, and RBA tools are, to how to implement an RBA, how to work with children, how to do advocacy work, and how to work with the media.¹¹¹

A strong dimension of the training course is that participants can bring their own projects in and try to examine them within a human rights framework, starting from whether the objectives are broad enough; which human rights instruments are relevant; who the duty bearers are; why they have not done what they should have done; who can be influential; what are the root causes of the violations; how can the root causes be addressed; who is included; who is excluded; and what can be done to help the people demand their rights, to hold duty bearers accountable as well as to assist them achieve their obligations (Theis 2001).

¹¹⁰ A typical training course of SC Sweden normally takes three to four days, starting with a theoretical framework of human rights, as most of the local staff has little knowledge of human rights. The courses cover issues surrounding children, and then discuss about child rights programming, rather than a rights-based approach in general. They focus largely on three concepts: equality, accountability, and participation, which emphasize not participation in general, but participation of rights-holders to claim their rights. The rest of the course is on the implications of the concepts in the field of operation.

¹¹¹ Interview, Joachim Theis, 27 January 2004.

Despite the well-structured training course, local staff still find it difficult to go back to the field and start a human rights-based project. Many find it hard to understand the concepts of human rights themselves, particularly the staff from countries with a weak culture of individual rights, such as China. The idea of challenging authorities in China, for instance, is a huge conceptual leap for local staff. In a country such as Burma, where there are widespread human rights violations, there is also good awareness of human rights. This is similar to the Philippines and Cambodia. In contrast, staff from China, Vietnam, Malaysia, and Laos—where the political and state ideology are hostile to human rights—find it harder to understand and interpret the concepts, and transform them into practice.¹¹²

Training materials are developed by a Senior Advisor on CRP and his team.¹¹³ SC Sweden provides training courses for staff of other SC members and partners. At the beginning, trainings were conducted separately by other SC members who do similar types of training. Recently, there have been efforts to develop a common course on RBA programming, drawing on experiences from all SC members. A pool of trainers was also brought together by SC members in hopes of developing and promoting joint trainings on RBA.

In conclusion, from the study of the three cases, no “import” learning has been found.¹¹⁴ For ActionAid UK and SC Sweden, trainings have been used as key tools in building staff’s capacity with their RBAs. While ActionAid UK offers training on a broad range of issues with loose structure, reflecting its experimental organizational change process, SC Sweden uses its step-by-step approach in delivering focused and well-structured trainings on selected issues.

¹¹² Interview, Joachim Theis, 27 January 2004.

¹¹³ The team has conducted over 20 workshops during 2002-2003 and a training of trainers in Bangkok in June 2002. See also, Theis 2001.

¹¹⁴ Import learning refers to a situation where specialist trainers, consultants, and donor organizations identify what NGOs need and package responses to those needs. See, James Taylor 2002.

Oxfam GB does not use the training mode in mainstreaming its RBA, as its Equity RBA does not require new human rights-related skills.

What ActionAid and SC Sweden have in common is that their training workshops have proved insufficient in the transfer of RBA thinking to local staff. This is because core learning activities largely rely on four to five day training workshops, which have carried a number of functions and purposes. First, they had to provide knowledge and a framework of human rights principles and mechanisms. Second, they had to have been persuasive to local staff—persuasive enough for the staff to go back home and start implementing their RBAs. Third, the workshops had to have been able to demonstrate how to transform a rights-based policy into practice. These objectives of transferring the knowledge, stimulating interest and commitment, and developing skills tend to be too much for a four to five-day workshop. When local staff returned to their field of operations, it is not always clear whether the local staff will act differently. Typically some may come up with new initiatives, some will not change the way they do business, while others will try to change but won't be able to.

The well-developed rights-based frameworks from Stockholm and London are therefore far from being automatically able to create fundamental change in development practices. The commitment to implement RBAs still depends very much on the effectiveness of the workshops, the interest and commitment of local staff,¹¹⁵ and the struggles to initiate RBA programs within diverse contexts.

Finally, concerning an RBA learning concentration, the ActionAid UK learning process is led by several groups of policy staff at their headquarters, regional offices, and country office. For Oxfam GB, there have been attempts to spread the learning into the working regions;

¹¹⁵ It should be noted that local staff who participate in RBA training workshops are not necessarily key leaders of country offices. Often, they are not “high enough” to push the organizations to be more rights-based, which is a limit of such RBA trainings. Interview, Joachim Theis, 27 January 2004.

however, its learning is still concentrated around the head offices and key senior management. For SC Sweden, policy staff and new CRP advisors are at the center of the CRP learning process. It is still unclear how much local staff is familiar with the CRP, especially those in human rights-hostile countries. Compared to ActionAid UK and Oxfam GB, the learning of SC Sweden spreads further to different parts of the organization. This is due to a less centralized structure of the organization and a policy to facilitate the learning at the regional level.

6.6 CONCLUSION

From the study of organizational changes of three NGOs, we can make the following conclusions.

First, organizational changes of the three NGOs are yet another managed anarchy. To the question of whether organizational changes in the context of RBA adoption are planned changes or chaotic changes, the answer is that they are managed anarchy. In all three cases, each NGO has done some planning for organizational changes, particularly from the headquarters, including making changes in visions and missions to reflect their beliefs and development framework. But the planned changes at the headquarters quickly turned out to be rather chaotic at country offices where the scheme used is to organize the anarchy and keep it at an acceptable level. Oxfam GB was the least chaotic with the most limited changes that it actually planned to make for its Equity RBA. SC Sweden was devoid of the leadership to properly plan and manage organizational change towards its Classical RBA. The task of mainstreaming RBA is left to mid-management who rely on cooperation with other staff, resulting in a step-by-step approach.

ActionAid UK, in contrast, has mostly used the “science of muddling through” (Lindblom, 1959). Its decentralized structure with weak central change plans leads to a situation where staff can experiment in a variety of ways, resulting in the loss in focus of its Popular RBA.

Despite the variation of anarchy of the three NGOs, the conclusion on organizational change of this study confirms the findings of DiBella (1992) that organizational change of NGOs is closer to “organized anarchy” than “planned change.”

Second, an organizational change in the context of an RBA adoption is not an organizational transformation although it may seem to be. To measure organizational changes of the three NGOs against the three types of organizational changes: (1) transformational change—the total and radical change, involving a completely new context and configuration of behaviors, roles, attitudes, motives, beliefs, and values; (2) transitional change—less radical, referring to organizational change that evolves slowly through many transitional steps during which the organization is neither what it once was nor what it aims to be, and similar to transformational change, seeking to replace ways of doing things; (3) and organizational development—the most minor change, aimed to improve skills, methods and other conditions in order to meet current expectation, and not to change the ways of doing things.

In this study, none of the three organizations is close to a transformational change. There is no plan to radically change their organizations, the roles of staff, attitudes, beliefs, or values, although there are attempts to integrate human rights values into the systems, but with no concrete or systematic plans.

SC Sweden’s organizational changes are closer to transitional change than the other two types of change. Its step-by-step approach evolves the organization slowly. Yet it has changed the foundation of its roles and its work. The ways SC Sweden makes intervention in the

development world has changed from direct assistance and relief to poor children, to working to protect children's rights through several means, including advocacy and research. Over a decade, SC Sweden changed from a community development organization in the 1980s to a children's rights organization. The Classical RBA interpretation plays an important part in going beyond a quick grasp and superficial use of human rights concepts to including international human rights standards, mechanisms, and principles in the new development framework. Among the three NGOs, Save the Children Sweden has made the most organizational change. Yet, the organization still falls short of what its own interpretation would require, a transformational change, to instead deliver a transitional change.

Oxfam GB never wanted to go beyond a developmental change. Its Equity RBA leads the organization to use human rights concepts and principles selectively. The Equity RBA of Oxfam GB is, in essence, not a human rights-based development framework, but a tool with a social justice development framework. It aims primarily to improve Oxfam GB's coherence, its effectiveness, and its ability to leverage change. Organizational changes are therefore limited to an improvement mode with some "do more of" what already exists. Among the three NGOs, Oxfam GB is the only organization that can deliver organizational changes that are required by its own RBA interpretation. That is, Oxfam GB's organizational change in the context of the adoption of RBA is developmental change, as its Equity RBA suggests.

ActionAid's Popular RBA suggests a rather radical organizational change, including a totally new configuration of roles, values, attitudes, and motivation in empowering the poor to claim their rights. The organization has goodwill and the intention to "doing things differently." But organizationally, it has not yet been able to arrange itself to go beyond using human rights principles for the improvement of its traditional approach to development work. Combined with

the “add-on” and “experimental” approach, ActionAid’s organizational change in the context the adoption of an RBA is limited to developmental change, rather than transformational change as its Popular Interpretation would suggest.

	The type of organizational change that their RBAs call for	The type of organizational change they deliver
ActionAid UK	Transformational	Developmental
Oxfam GB	Developmental	Developmental
SC Sweden	Transformational	Transitional

Figure 6.7: RBA Brands and Organizational Changes in Practice of ActionAid UK, Oxfam GB, and Save the Children Sweden

The gap between organizational changes required by RBA interpretations and what is actually happening have been explained in this chapter with an understanding of the internal factors of each organization, such as the lack of centrally-planned change and experimental approach in the case of ActionAid and the lack of leadership in the case of SC Sweden. However, it should be noted that another explanatory factor influencing organizational changes in the three cases is the tendency for all three to want to keep their traditionality, which likely

makes them hold on to core expertise, maintain constancy of practices, and make calculated and selected “customization of changes.”¹¹⁶

Third, Nadler and Tushman’s typology of change is one of the few typologies useful in establishing the understanding of NGO’s organizational changes in the context of the adoption of RBAs.

	Incremental	Discontinuous/ Strategic
Anticipation	Tuning Oxfam GB ActionAid UK	Reorientation SC Sweden
Reactive	Adaptive	Re-creation

Figure 6.8: Types of Organizational Change of ActionAid UK, Oxfam GB, and Save the Children Sweden

In general, it is more difficult to manage change when the need for change is urgent (Hayes 2002). Although there have been increasing questions about NGOs’ effectiveness and accountability and calls for improvement, the creation of RBAs occur when there is no immediate requirement to change. The three NGOs adopted RBAs in anticipation of better ways of achieving their strategic visions. They have taken their time in going through their change processes. They therefore can be categorized in Nadler and Tushman’s anticipation group.

¹¹⁶ Salipante and Golden-Biddle develops a typology based on environmental change and an altered view of operational identity. A low altered view of organizational identity leads to minor, or at best, moderate, change. See, Salipante and Golder-Biddle 1995, 12-13.

SC Sweden adopted an RBA largely because of the vision of the leadership. It has, over a decade, created its own Classical RBA, using international human rights standards as its development framework. With this interpretation, it has gone further than the other two NGOs in a fundamental redefining of its strategies, roles, and values. SC Sweden has sought not only to “do things better”—which the other two organizations largely do—but also to “do things differently.” This is why SC Sweden’s organizational change can be categorized as “reorientation.”

Oxfam GB and ActionAid UK adopted their RBAs as a result of strategy reviews in the second half of the 1990s. Both organizations acted largely for strategic reasons, aiming to improve the results of their work without completely re-vamping their organizations. Oxfam GB, despite its five aims stated in human rights terms, has not moved beyond its traditional social justice development framework. The Equity RBA is a process of adapting, modifying, and emphasizing certain aspects of work—such as campaigning and media work and not an attempt to work completely differently or to move itself into a new category of development NGOs. Similarly, while Oxfam GB has quickly grasped RBA values, built its own Equity RBA brand, and incorporated RBA values to strengthen its campaign orientation and its advantage of global leverage, ActionAid UK has been conducting a number of multi-directional experiments, resulting in a slow progression of grasping RBA concepts and tools to strengthen its grassroots work. In sum, organizational changes resulting from the Equity and Popular RBAs, are “incremental.” The organizations employing them seek mostly to improve their development work by “selective use” and by “adding on” to their existing work, and not to produce a new product or new kind of product to the market.

Fourth, *the change process of NGOs that adopt RBAs is non-linear*. Gemmil and Smith (1985) theorize four basic processes of change: disequilibrium conditions, symmetry breaking, experimentation, and reformulation processes. The three case studies show that there was not a “symmetry breaking” aspect to the change process as the usual process associated with the system was not breaking down. Similarly, the unfreeze—moving—refreeze model of Kurt Lewin (1975), or the seven-step processes of Kolb and Frohman (1970), have little relevance in explaining the behaviors of organizational changes of the three NGOs. This is largely because the organizational change in the context of the adoption of RBA is not quite planned change, rather it is managed anarchy with some degree of vagueness for most people involved. This vagueness is partly due to the complexity of the concepts of RBA. Within that complexity, all three NGOs did not create a fixed master plan of organizational change, but instead, played it safe and kept it flexible by deploying the experimental, the blueprinting out, and the step-by-step approaches to mainstream their RBAs into their organizations.

Fifth, we can conclude that, as expected, NGOs’ staff are not trained to deliver RBA programs. They tend to have limited knowledge about human rights and RBA, especially local staff in rural areas. The three cases of NGOs confirm that *RBA interpretative frameworks and organizational change processes exert influence on: the needs for new skills and knowledge on human rights and RBA; staff dynamics; staff resistance, all of which in turn affect the success of the RBA adoptions*.

ActionAid has gone through the most disrupted changes with a number of development staff leaving the organization. The Popular RBA framework does require good knowledge and skills of human rights and RBA. ActionAid UK has responded by developing a clear policy to recruit new staff with backgrounds in human rights. While this policy is not applicable to some

country offices, it pressures staff in some national offices into leaving the organization. The two groups of staff—the new ones with human rights backgrounds and the remaining staff with development backgrounds are yet to be integrated. In addition, some staff in rural areas remain ignorant about the RBA. Oxfam GB neither has staff leaving due to the adoption of an RBA, nor does it have a policy to recruit new staff with a human rights background. This is because the Equity RBA framework, without a strong human rights component, does not ask for human rights skills from staff. The integration of selected human rights principles into organizational goals, objectives, and especially program management tools, not only reduces the need for new skills, but also increases positive acceptance of the new approach as it leads to more relevance and effective programs. In addition, the more gentle approach towards the implementation of the RBA by the management reduces staff's resistance and increases their positive attitude towards the new approach. SC Sweden's Classical interpretation framework demands strong human rights knowledge from its staff, which could have raised the level of pressure to staff with development background. But SC Sweden's soft-sell approach, expanding the concept over a decade has softened this pressure, while allowing the new staff with human rights background and old staff with development background to integrate well.

Sixth, three conclusions can be drawn regarding the family factor. First, *NGO families have limited influence on an RBA adoption of individual NGOs*. Large and influential NGOs like ActionAid UK, Oxfam GB and SC Sweden have interests in adopting RBAs due to their own causes, and not because of their NGO family. On the contrary, the three NGOs have all exerted influence on their family in becoming RBA families. Second, *NGO families can give positive reinforcement for the adoption of an RBA by family members*. A strong RBA alliance can strengthen the commitment to RBA of its members, such as the case of OI and Oxfam Hong

Kong. Third, *a joint RBA strategic paper is a key factor in mainstreaming RBA within a family*. Without a joint strategic paper, an NGO family tends to have difficulties promoting the RBA within the alliance. By contrast, an NGO family that has a joint RBA strategy can move forward much faster in turning a policy into practice.

Finally, training workshops on human rights and RBAs as an organizational learning tool can be useful, but have limitations and are far from sufficient in solving the problem of the lack of knowledge on human rights and RBAs. This is largely because most of training workshops are one-time events with participants expected to learn human rights concepts and RBA tools, return to their countries or rural areas, and start to articulate and develop RBA projects. A long-term, two-way, and on-going learning approach is needed for RBA NGOs, including for Oxfam GB, which does not use training on human rights and RBA for their staff and partners.

To put it all together, how much do organizational dynamics weaken the strength of RBA concepts? The answer is in the difference between the level of organizational change required by their RBA interpretations and the level of organizational change that actually takes place. In addition, a full realization of RBA concepts is held back at the organizational level by resistance from the staff, inactiveness from the NGO family, and the lack of knowledge of human rights and RBA, and the dependence on training sessions as a learning tool. More importantly, organizational processes can hurt RBA concepts the most when there is a failure to pick up key principles of human rights, such as accountability and non-discrimination, and mainstream and integrate into its programs. This shortcoming will become more obvious when we assess RBA implementation on the ground in chapter 7.

Having assessed the impacts of NGO organizational dynamics and how they can weaken the realization of an RBA, we will turn in the next chapter to the last of the policy process

steps—the implementation. The experience in RBA implementation of three NGOs in Vietnam will be examined against key RBA principles.

CHAPTER 7

THE POPULAR, THE EQUITY, AND THE CLASSICAL RBAs IN ACTION: THE RBA IMPLEMENTATION OF ACTIONAIDS VIETNAM, OXFAM GB, AND SAVE THE CHILDREN SWEDEN IN VIETNAM

This chapter examines the implementation of the Popular, the Equity, and the Classical RBAs of ActionAid UK, Oxfam GB, and SC Sweden on the ground. It asks: to what extent can the three organizations implement RBAs according to their doctrines? To what extent do they integrate human rights principles into implementation processes such as situation analysis, target selection, planning, and evaluation? Do they actually move away from service delivery to policy advocacy? Can they actually change power relationships between the state and the poor, or between duty bearer and rights holder?

To understand how NGOs implement their RBAs, a country of operation is chosen to keep external factors constant, and to therefore highlight the difference of the three NGO's RBAs. Vietnam is chosen not because it is typical or representative of Southeast Asia or Asia, but because it is a rather difficult case that displays the full range of tasks and obstacles that NGOs face in implementing BRA, including political, administrative, the difficulties of advocacy, partnership and power relations. At the same time, evidence that NGOs are implementing RBA in Vietnam speaks volumes about their strong commitment to the new approach, because of all the difficulties. The difference among the Popular, Equity and Classical approaches are heightened and made vivid in this environment.

Vietnam has given a variety of obstacles and challenges to all three types of RBA. The Popular RBA primarily aims to empower local grassroots groups to claim their rights, but Vietnam does not have many independent grassroots groups to empower. In fact, there are not many local NGOs in general, and the state and people do not understand human rights. The Equity RBA primarily works to change policy at the global level and support pro-poor development policy at the national level. But most Vietnamese only have experience in participating in state-led campaigns, not NGO-led ones. In addition, the government is not accustomed to being criticized or lobbied either for pro-poor development policies or any other policies. The Classical RBA bases its work on UN human rights standards and works in cooperation with the state in order to build capacity to promote and protect children rights. But the Vietnamese government does not speak human rights language at home. In fact, it does not have a very good record of human rights, and it does not like anyone to speak about it, not to mention pressure it. Finally, all three NGOs have to play the RBA role within a given space, and make sure not to irritate the government. If they cross an invisible line, they will be kicked out of the country.

In this chapter, it is argued that: first, the implementation stage is the third of a three-stage process that weakens the radical concept of RBAs, as all types of RBAs run into great difficulties in the implementation of RBAs in a human rights-hostile country like Vietnam. Second, RBA NGOs in Vietnam have limitations in development programs containing strong human rights components, especially non-discrimination and accountability. Third, there is some gap between reaching the poorest of the poor and the most marginalized in theory and in practice. Fourth, RBA NGOs do decrease their work on service delivery and increase their work on advocacy. Fifth, an RBA movement does not bring about greater partnership among

development and human rights community at the national level. Finally, while participation as part of empowerment can be implemented widely, there has been limitation in efforts to changing power relations between the state and citizens. This is largely because none of the three NGOs has its primary focus on challenging power relationships.

The chapter starts with providing a background of Vietnam and the three NGOs in Vietnam. The second section examines how the three NGOs assess the situation, plan and evaluate their work in Vietnam. To what extent are human rights principles and tools used? The third section looks into how they set priorities and choose target groups. Section four assesses the roles of the three NGOs in Vietnam with a focus on the extent to which they shift from service delivery to policy advocacy. The fifth section examines the issue of power relations before closing with a section on obstacles and challenges in implementing RBAs in Vietnam.

7.1 BACKGROUND OF VIETNAM AND THE THREE NGOS

7.1.1 Vietnam

The Socialist Republic of Vietnam (SRV) is a long narrow country in Southeast Asia, bordering Laos and Cambodia in the west and China in the north. The country has a population of 80 million, 85% of which are ethnic Vietnamese, or Kinh, who live in the lowlands. The remaining fifteen per cent comprise minority groups, who live mostly in mountainous areas. The minorities have their own languages and cultures, which are different from the Kinh.

Vietnam was colonized by France, a process beginning in 1884, before Japan took over during the Second World War. After the war, Ho Chi Minh, the leader of the independent movement, declared Vietnam's independence in 1945. France's unwillingness to give up Vietnam led to a war. Although France was defeated in 1954, according to the peace agreement in Geneva, Vietnam was divided into two parts: the socialist north Vietnam, and the capitalist south Vietnam. The attempt by North Vietnam to reunify the country and the attempt by the US to block the communist regime in Southeast Asia, led to another war known by the Vietnamese as the War of American Aggression. The US was defeated when the North took over Saigon in 1975. Vietnam sent troops to Cambodia after a number of Cambodian attacks on Vietnamese villages in 1978, and overthrew the Khmer Rouge. China, a key backer of Khmer Rouge, started a 'lessoned' war at the northern border of Vietnam, before Vietnam withdrew its troop from Cambodia in 1989. In 1995, Vietnam established diplomatic relation with the US and became a member of the Association of Southeast Asian Nations (ASEAN).

The country has now enjoyed a high economic growth rate, with an average of 7.5% of annual GDP growth from 1991 to 2000. The Human Development Index rises from 0.456 (ranked at 120 out of 162 countries) in 1990 to 0.696 (ranked at 101) in 2002 (SRV 2002). The percentage of the population below poverty line fell from 58% in 1993 to 37% in 1998 (The World Bank 1999). The fact that Vietnam could halve the number of people under the poverty line in ten year makes Vietnam one of the best-performing countries in terms of poverty reduction. The IXth Congress of the Vietnam Communist Party reviewed the achievement during the 15 years of the "Doi Moi" process (1986 - 2000)¹¹⁷ and set a new development strategy for

¹¹⁷ The "Doi Moi" (renovation) Process is an economic reform policy of Vietnam launched in 1986, featuring the opening of the economy, particularly move away from a centrally-planned to a market-oriented economy. The process started significant economic growth during the 1990s.

2001-2010 “for accelerated industrialization and modernization along the socialist line, laying the foundations to become by 2020 an industrialized country.” (SRV 2001)

However, Vietnam still ranks among the world’s poorest countries with a per capita GDP at US\$400 in 2000. The poverty rate remains relatively high. According to a Vietnam Living Standard Survey¹¹⁸, as many as 37% of households in 1998 live in poverty and 15 % in 1998 faced food poverty¹¹⁹. Despite halving the number in poverty, much is yet to be done in the fight against hunger and poverty. Inequality is growing as income distribution increases the gap between the rich and the poor. Poverty is widespread among households with low and unstable incomes and in areas with unfavorable condition for making a living such as mountainous, remote and isolated areas, or the Mekong River Delta region and the Central region where sudden weather changes often bring typhoons, floods, and drought. Ninety percent of the poor live in rural areas, where they face greater difficulties than that of the urban poor (ISCA 2004). Incomes in urban areas were five times higher than in rural areas (ISCA 2004). The poverty rate is also extremely high among ethnic minority groups, who mostly live in mountainous and remote areas. While accounting for 14 % of the population, minorities groups make up for 29 % of population in poverty,¹²⁰ and 50% of minority children who do not complete primary school (Oxfam GB 2003f).

¹¹⁸ Two surveys were conducted in 1992-1993 and 1997-1998 by the General Statistic Office with assistance from the UNDP, SIDA, and the World Bank, covering 4,800 and 6,000 households respectively.

¹¹⁹ The food poverty line is set at an average 2,100 Kcal daily calorie intake per capita. This is based on the standard used by most development countries and the WHO. People whose expenditures are lower than the minimum level to meet this need are considered poor in terms of food.

¹²⁰ SRV 2002, 16-21. The number is close to the 1999 ILO study, which found poverty rates of 10% in cities, but 28% in rural areas. The poorest region was north-central part, where 40% of households live below the poverty line. See, ISCA 2004.

Another key study of poverty in Vietnam was carried out by the Poverty Working Group in 1999, who produced the publication, “Vietnam: Attacking Poverty.”¹²¹ These four participatory poverty assessments (PPAs) were conducted in four provinces by four NGOs.¹²² The report notes that the poor who climbed up above from the poverty line are still in a vulnerable stage as they are just slightly above the line. A disaster, such as flood or family sickness, could bring them back into poverty again. The report finally recommends a three-pronged approach to fighting poverty: creating opportunities for the poor by putting in place pro-poor policies and programs that promote broad-based economic growth and economic policy; ensuring equity between regions and between urban and rural, and targeting remote and mountainous areas; and reducing vulnerability by strengthening and supporting formal and informal safety net mechanisms, including social capital and social inclusion (The World Bank 1999).

The move from a central-planned economy to a market economy has left basic services, previously subsidized by the state, increasingly inaccessible to the poor. As a result of fast growing industrialization, modernization, and urbanization, Vietnam now faces rapid environment degradation. The country has a limited potential for infrastructure to ensure environmental protection, rehabilitation, and nature conservation. Awareness of the environment and sustainable development and protective measures to the environment is “still unsatisfactory and not given adequate consideration.” (UNEP 2003)

Vietnam is a country qualified for debt relief. As a condition for every Highly Indebted Poor Country (HIPC), it has to produce an “Interim Poverty Reduction and Growth Strategy

¹²¹ More than 1,000 households were interviewed to reflect the multi-dimension of poverty and for the poor to point out the solutions that work for themselves.

¹²² In Lao Cai by the Vietnam-Sweden Mountain Rural Development Program, in Ha Tinh by ActionAid Vietnam, in Tra Vinh by Oxfam GB, and Ho Chi Minh city by Save the Children Fund UK.

Paper” (I-PRGSP) for the World Bank.¹²³ Based on this paper, Vietnam approved the Comprehensive Poverty Reduction Strategy and Growth Strategy (CPRGS) in 2002, which is a development instrument of the IMF. The CPRGS is an action plan that elaborates general objectives, institutional arrangements, policies and solutions of the 10-Year Socio-economic Development Strategy (2001-2010) and 5-Year Socio-Economic Development Plan (2001-2005). The preparation of the CPRGS is a participatory one with wide a consultation process of donors, international organizations, and NGOs at the national and provincial levels. The strategy drafting team consists of 52 members from sixteen ministries and agencies (SRV 2002).

Vietnam has a strong one-party government, with little prospect of change in the near future. Under the communist ruling party, there is weak elected representation of the people. The country has little space for participation with no recognition of civil society organizations. International NGOs are closely regulated and monitored by the government. There are, however, mass organizations that are formed and sponsored by government, such as the women’s union. Development planning has long taken under a top-down approach with little room for policy advocacy. Transparency and access to information has been limited, including information on policy, finance, and budgeting.

Vietnam has little tradition of participation. This has slowly changed since the development of the PRGSP, which required participation as a condition laid down by the World Bank and IMF. In 1998, the government issued Grassroots Democracy Decrees 29 and 79, giving people opportunities to access to information and to participate in local development affairs (SRV 1998, 2003). The decrees have improved transparency of local administration, increased people’s control over resources allocation to poverty reduction programs, and

¹²³ The I-PRGSP is a different name of the “Interim Poverty Reduction Strategy Paper (I-PRSP),” required by the World Bank in participation in the debt relief program. The I-PRGSP was approved by the Prime Minister in March 2001.

accelerating a bottom-up approach to development. But there are unclear roles and responsibilities of stakeholders, while transparency in information, consultation of people, and actual monitoring by the people have not yet improved with regards to public finances, and the implementation of Decree 29 in areas of ethnic minorities is still limited (Oxfam GB & NSSH 2003).

Vietnam has ratified five of the seven core international human rights treaties.¹²⁴ Its 1992 Constitution guarantees most internationally-accepted human rights, such as the right to participate in the administration of the State, the right to education, the right (and duty) to work, the right to build dwelling-houses, the right to health protection, and the right to freedom of belief and of religion.¹²⁵ The Constitution also guarantees the right to freedom of opinion and speech, freedom of the press, the right to be informed, and the right to assemble, form associations, and hold demonstration, given that they are “in accordance with the provision of the law.”¹²⁶

However, in practice Vietnam’s human rights record is not a good one. According to Amnesty International (AI), civil and political human rights “did not improve in 2003” with attacks on freedom of expression and association throughout the year (AI 2004, 194-195). The government has denied and banned international human rights monitoring organizations in the country, including AI, the largest human rights organization and the 1977 Nobel Peace Laureate. Moreover, the Vietnamese government has arrested and detained the only member of AI in

¹²⁴ This includes: (1) the International Covenant on Civil and Political Rights; (2) the International Covenant on Economic, Social and Cultural Rights; (3) the Convention of the Rights of the Child; (4) the Convention on the Elimination of All Forms of Discrimination against Women; and (5) the International Convention for the Elimination of All forms of Racial Discrimination. The other two core treaties that have not been ratified are the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC) (UNHCHR 2004).

¹²⁵ SRV 1992, Article 53, 59, 61, 62, and 70.

¹²⁶ SRV 1992, Article 69.

Vietnam due to his membership in that organization. Vietnam is one of some thirty countries that still have “prisoners of conscience.”¹²⁷ The government practices suppression of religious freedom, harassment of government critics, and crackdown on minority groups (Amnesty International 2002, 2004).

Despite the communist ideology of equity, there is poor access to basic services by the poor and the marginalized, especially among the minorities, migrants, and people living with HIV/AIDS. Human rights and the state’s obligations are little known to the Vietnamese, including staff members of development NGOs working in Vietnam.

7.1.2 The Three Organizations in Vietnam

ActionAid UK, Oxfam GB, and SC Sweden all started their work in Vietnam in the 1980s. Since then, the three organizations have developed their work on a variety of issues in the provinces where they are permitted.¹²⁸

ActionAid UK was known in Vietnam as ActionAid (in Vietnam) in 1989. The organization now became ActionAid Vietnam.¹²⁹ It has an office in Hanoi and works with more

¹²⁷ Amnesty International uses the term to mean: “a person imprisoned or otherwise physically restricted because of their political, religious or other conscientiously held beliefs, ethnic origin, sex, color, language, national or social origin, economic status, birth, sexual orientation, or other status –who has not used violence or advocated violence or hatred.” (Amnesty International 2002b, 81).

¹²⁸ It is required that international NGOs registered and received permission from the People Aid Coordination Committee (PACCOM) on the types of projects and areas to work. Permission can be acquired by showing the Vietnamese authority project plans, demonstrating why, what, where, when, and how they are going to work.

¹²⁹ Before ActionAid Alliance and ActionAid International was founded, all ActionAid was basically ActionAid UK. After the alliance was set up, the “UK” was added later in the name to recognize other ActionAid members. The ActionAid that came to Vietnam in the 1980s was also ActionAid UK. However, the organization has a policy to establish and register organizations in each country where it works independently including fundraising. Due to limitation on registration in Vietnam, ActionAid has to register as a foreign NGO working in Vietnam, despite the name ActionAid Vietnam. ActionAid Vietnam, however, receives funds from ActionAid UK and other northern ActionAid in the ActionAid alliance. ActionAid has a rule that only one ActionAid can work in each country. Since there is only one ActionAid in Vietnam, this chapter will study ActionAid Vietnam, formerly--but no longer--ActionAid UK.

than 300,000 people in the northern part on issues of the right to information, participation, food security, gender equity/violence against women, good governance, HIV/AIDS, corporate social responsibility, and urban housing.

	ActionAid Vietnam	Oxfam GB	SC Sweden
Year work started	1989	Early 1980s	1987
Representative office	1989	1990 Hanoi	1991 Hanoi (became regional office in 1998)
# of provinces allowed to work in	19	4	3
Budget (for Vietnam)	1.5 mil USD	1.0 mil USD	1.1 mil USD
Number of staff	59	N.A.	19
Issues of work	<ul style="list-style-type: none"> ▪ Food rights (25%) ▪ Governance (16%) ▪ education and literacy (9%) ▪ HIV/AIDS and health (6%) ▪ Anti-trafficking (4%) ▪ Gender equity (6%) ▪ “Innovative programs” (15%). 	<ul style="list-style-type: none"> ▪ Livelihoods (42%) ▪ Education (23%) ▪ Humanitarian (13%) ▪ Governance and equality (22%) 	<ul style="list-style-type: none"> ▪ Education ▪ HIV/AIDS ▪ Emergency ▪ Child participation

Figure 7.1: The Work of ActionAid Vietnam, Oxfam GB, and SC Sweden in Vietnam

Oxfam GB has been present in Vietnam since the early 1980s. The organization worked with the Vietnamese government on humanitarian relief and reconstruction after the American war throughout the Doi Moi economic reform. Through its long-term presence, Oxfam GB has developed a strong partnership with local organizations, institutions, and donors. In 1990, the organization opened a representative office in Hanoi. The work in Vietnam is part of the Oxfam

GB's East Asia program, covering the issues of poverty reduction, education, hunger, and pro-poor development policy (Oxfam GB 2004d).

Starting work in Vietnam in mid-1980s, SC Sweden obtained its representative status in 1992, and turned its national Vietnam office into the Southeast Asia regional office in 1998. It currently has 19 staff members: 3 expatriates and 16 local staff. The budget is US\$1,100,000. There are also four other SC members active in the country: SC UK, SC Japan, SC Australia, and SC USA. SC Sweden has worked with other SC members on four issues: education, HIV/AIDS, emergency, and child participation.

7.2 IMPLEMENTATION PROCESS:

SITUATION ANALYSIS, PLANNING, AND EVALUATION

7.2.1 ActionAid's Implementation Process in Vietnam

In accordance with its Popular RBA framework, ActionAid's situation analysis is based on a poverty analysis, rather than a human rights situation analysis. The organization assesses multi-dimension of poverty in development areas, including political, economical, and social dimensions of poverty. It asks: what are the characteristics and conditions of poverty? What are the impacts of the move to market-oriented economy and the globalization processes? And what do the poor need? However, it does not ask explicitly what human rights are relevant to a situation, or who are accountable for violations or denials of human rights.

The lack of a human rights dimension in analysis framework does not make it easy for ActionAid Vietnam to implement its Popular RBA in Vietnam, as it is limited in identifying the most marginalized groups and addressing the root causes of poverty. For example, ActionAid conducted a study in 2001, collecting 55 life stories of poor households from six provinces and Ho Chi Minh city (HCMC). This research project focused on conditions of chronic hunger, aiming “to create an understanding of poverty, marginalization, exclusion, deprivation, and injustice from the experience and perception of people living in poverty.” (ActionAid Vietnam and the Institute of Economics, 2003, 6) The research gathered invaluable information from poor families, identifying factors affecting chronic hunger and contributing significantly in the understanding of chronic hunger from the perspective of the poor. A weak point of this poverty analysis is that it falls short in linking food poverty with human rights and addressing the root causes of symptoms of poverty, leading to recommendations for more social services, effective technical assistance, and better access to resources, and less on the protection or the establishment of legal, political, and social guarantees of those rights.¹³⁰

In terms of planning, ActionAid Vietnam has used a traditional needs-based one. There has been some improvement by using different planning tools. In development areas where it works, ActionAid Vietnam develops programs on themes on which it has expertise. Advocacy has been increasingly integrated into existing planning processes. The organization has strong commitment in involving people in project design and planning, putting the organization in a leading position among development NGOs attempting work on people participation in the

¹³⁰ This research identifies 17 causes of chronic hunger, including “transport limitation,” “prolonged illness,” “too many children.” These 17 causes are grouped into five categories: investment, attitude, human resource, infrastructure, systemic, leading to “low productivity and production.” Most are materialistic, economical-oriented, and not very well linked to what ActionAid earlier identifies as root causes of poverty—the lack of access (ownership), the lack of representative (unequal power relations) and the lack of control over (voice)(ActionAid Vietnam and the Institute of Economics 2003, 17-32; and ActionAid 2000a, 10-11).

development planning process. This initiative is a result of a policy to push further for participation after the adoption of its RBA.

Evaluation and impact assessment is a strong area where ActionAid Vietnam has invested its thinking and resources in. The evaluation of changes of poor families in Ha Tinh province (ActionAid 2000; and Smith 1998), for example, used a participatory approach, although the content of the assessment did not reflect a rights-based thinking. The organization has recently

	ActionAid Vietnam	Oxfam GB	SC Sweden
Overall integration of a human rights	Limitedly integration of human rights framework, but with strong people's participation components in both planning and evaluation	Human rights components are simplified and integrated in to planning and evaluation tools. Little people participation in planning and evaluation	Human rights components are developed into planning tools, but limited for evaluation. Little people participation in planning and evaluation process
Framework of the analysis	Need-based, poverty analysis with no human rights elements	Need-based, poverty analysis with no human rights elements	Substantial human rights dimensions in the analysis
Examples of situation analysis	Participate in PPA in Ha Tinh in 1999 as part of the poverty working group	Participate in PPA in Tra Vinh in 1999 as part of the poverty working groups	Thematic analysis: HIV/AIDS and child labor
Framework and tools for planning	Based on a needs-based assessment of each development areas. Some program objectives or strategic frameworks for themes that ActionAid Vietnam has expertise in, such as food rights Strong involvement of people in project planning	Developed a planning tool, highlighting three RBA components and a program management tool: <ul style="list-style-type: none"> ▪ Access ▪ Participation ▪ Accountability ▪ Quality 	The Program Area framework serves as a detailed planning tool, covering policy, objectives, strategies, and strategies for implementation.
Framework for RBA evaluation	Strong with considerable components of human rights Strong commitment in participatory monitoring, evaluation, and impact assessment	Considerable components of human rights. The measurement is not directly against international HR standards, but identifies four components of changes in program	A human rights-based framework with a variety of uses of human rights instruments and standards is developed, but is little used in practice.

Figure 7.2: Situation Analysis Framework of the ActionAid Vietnam, Oxfam GB, and Save the Children Sweden in Vietnam

created positions on “impact assessment and shared learning” at the headquarters and country offices, including in Vietnam in 2002.¹³¹ A framework of RBA impact assessment has been developed, emphasizing accountability, planning, and monitoring. Evaluation and impact assessment are seen as tools to empower people when it uses a full spectrum of people participation. The organization therefore involves people in the processes of reviewing and documenting progress and impacts. This participatory process has replaced what was known before as “project review,” which was done by external consultants.¹³² A participatory evaluation and impact assessment processes is one of the products of the Popular RBA that changes and strengthens the work of ActionAid Vietnam.

7.2.2 Oxfam GB’s Implementation Process in Vietnam

The East Asia regional program concludes from its analysis that poverty in the region remains because of two factors: the governments’ inability to implement policies to eradicate poverty, and public tolerance of high levels of inequality. The region’s economies are facing greater risks from WTO’s rules and the US bilateral agreement. Make Trade Fair Campaign and Education Campaign are planned to play important roles in the regional work (Oxfam International 2004).

Oxfam GB does not use international human rights standards in its analysis. It does not get into the issues of equality and discrimination, or identify marginalized and vulnerable groups. Its analysis covers macro economic and socio-political trends, including the impacts of the ASEAN Free Trade Agreement (AFTA), the US Bilateral Trade Agreement (US BTA), and the Vietnam’s plan to be come a member of the World Trade Organization (WTO) in 2005 on

¹³¹ Interview, Ngo Thi Minh Huong, 5 April 2004.

¹³² Interview, Ngo Thi Minh Huong, 5 April 2004.

sustainable livelihoods. Oxfam GB's situation analysis is of a traditional development analysis, organized by themes, including health, education, poverty reduction, humanitarian, corruption, the nature of civil society and a one-party state, equality, and HIV/AIDS (Oxfam GB 2003b).

Within the five aims, the SCOs, and the regional strategic framework, Oxfam GB's planning process is initiated from the country office. Despite having a needs-based assessment, Oxfam GB can generate a comprehensive framework and tools for planning and evaluation. It states explicitly that it aims to use a human rights-based framework in planning. Oxfam GB develops a model of access, linking and catalyzing "national duty bearers" and "rights holders" with accountability and participation. In practice, a planner is forced to answer what he plans to do with three components of the RBA: (1) access; (2) participation; and (3) accountability. That is, what and how to access and participate, and whom to hold accountable for each and every SCO he plans to work on. In addition, Oxfam GB in Vietnam adds the fourth point on quality, asking how a planner can ensure the quality of program, and what indicators are relevant for quality assurance. Oxfam GB also has a system of differentiating and identifying partners, alliances, and targets to influence for all issues it works on, which helps strengthen to hold others accountable, as well as strengthen its own accountability to others (Oxfam GB 2003b).

Also within the SCO framework, an evaluation framework is developed to measure and evaluate programs on the ground. It contains and focuses on key results of human rights work, such as changes in policies, laws, measures, and practices to protect people's human rights. Oxfam GB introduced its impact reporting system throughout its development programs in 1999 (Oxfam 2004e), asking program managers the extent they have created impacts in five areas: (1) the impact on the lives of poor women, men, girls, and boys; (2) changes in policy, practices, ideas, and beliefs; (3) progress towards enhanced gender equity; (4) beneficiary involvement in

the “program”/activity; and (5) the likely sustainability of the changes (Oxfam 2003g; and Oxfam GB 2004e).¹³³ Monitoring is jointly conducted against the planned changes in access, participation, and accountability by partners and Oxfam GB staff on a quarterly basis (Oxfam GB 2003b). Oxfam GB’s evaluation framework is very close to that of SC UK, which will be discussed in the next section.

7.2.3 SC Sweden’s Implementation Process in Vietnam

Save the Children Sweden’s framework for its situational analysis is based on human rights standards, leading to the identification of marginalized children. SC Sweden uses “General Comments” of UN Committee of the Convention of the Rights of the Child, as part of its analysis of children rights in the country. It jointly conducts research on a variety of children’s themes with other SC alliances and partners. As a consequence, the organization can benefit from the analysis in terms of identifying groups of children who are at risk of human rights violations, such as abused and exploited children, and children with disabilities.

SC Sweden planning processes have a considerable number of human rights components in them. The Program Areas framework is structured in a way to outline and guide policies, strategies, and actions to promote and protect children rights in areas as laid out in the CRC. It interprets priorities in working for children, and links to the modes of SC Sweden’s interventions. The Program Areas framework is therefore a masterpiece of SC Sweden in integrating RBA principles into programming. It is the comprehensive RBA programming tool of the Classical RBA.

¹³³ Cost-effectiveness is “optional” for reporting, although it is used for impact assessment (Oxfam GB 2003a and 2003g). Another criterion, against which Oxfam GB assess the impacts of its work is learning, conclusion, and actions to be taken for the future (Oxfam GB 2003g).

However, the Program Areas do not contextualize situations at the country level. The work is done in Stockholm, covering children in different situations around the world. It is therefore broad and full of options for program managers to choose from as he sees appropriate for a given situation. This universal ready-made approach undermines a context-specific approach as program staff tends to plan to fit the Program Areas, rather than to fit the specific children's rights situation, which may help them focus more on marginalized children. This remains a challenge for SC Sweden to strive for a balance between using a universal coverage and ready-made framework as a guide to address specific priorities in particular contexts, and turn the Program Areas into a strength.

In regards to evaluation and impact assessment, SC UK has developed a management tool called, "Global Impact Monitoring" (GIM), for assessing the impact of programs on the country level. Five areas of changes assessed are changes in children's lives, changes in policy and practices, changes in equity, change in participation, and changes in people's capacity to demand their rights. These changes are evaluated in a participatory manner through regular meetings with stakeholders, including SC staff, children, government officials, donors, NGOs, and other partners. GIM is a simple practical evaluation tool, but still not many SC members use it. SC UK has tried to promote it among SC members. At an Alliance meeting in Bangkok in 2002, to introduce the tool, a mock stakeholder review session was demonstrated for SC members.¹³⁴ Yet, SC Sweden has not used this rights-based tool. Instead, SC Sweden uses traditional methods of evaluation, which are conducted by program staff against achievement planned earlier by program staff. It also hires consultants to evaluate its work after a long period of time¹³⁵—a method that ActionAid Vietnam abandoned in favor of a new participatory review.

¹³⁴ Interview, Joachim Theis, 27 January 2004

¹³⁵ For examples, Kelly 2003; and Lindskog and Hai 2002.

SC Sweden hopes that the organization will develop its own version of a rights-based evaluation “soon.”¹³⁶

For all three organizations, it can be concluded that the development and the use of RBA management tools are key in substantial progress in RBA implementation. The three NGOs have developed several programming tools, resulting in more relevant and focused rights-based programs. ActionAid Vietnam has developed a sound methodology for participatory evaluation and impact assessment. Oxfam GB has developed the five aims and SCO framework, guiding program staff with a conceptual framework and program priorities. Its planning and evaluation tools effectively bring out the issues of access, accountability, and participation into the heart of program staff. SC Sweden’s Program Areas systematically map out policies, strategies, and strategies for implementation, highlighting marginalized children and tools to work with them. These RBA programming tools need to be continuously developed with a particular focus on linking its conceptual frameworks with practicality for program staff.

Another important factor affecting RBA implementation is staff training. Learning about RBA takes time. The organization of RBA workshops for staff members is not translated automatically into better understanding. ActionAid Vietnam, for instance, organized training sessions for all field staff on the grassroots democracy decree and community development, followed by thematic training sessions, such as communication skills, lobbying skills, gender issues, and HIV/AIDS.¹³⁷ The Asia regional office also organized two four-week training sessions, called “Leadership Development Program” for senior managers in November 2001 and March 2002. Over sixty senior staff in Asia participated in the training workshops, including

¹³⁶ Interview, Yen Nguyen, 22 March 2004.

¹³⁷ Training has been conducted once a year, except for the first year (2001), when two workshops were conducted. Facilitators are obtained both from internally and externally. Themes of the training have changed. The 2003 training was on lobbying skills in working with the government. The next one is on food security. Interview Hoang Phuong Thao, 26 March 2004.

ActionAid Vietnam. Yet, while senior staff has some good understanding on human rights and RBAs, local staff does not (Petcharamesree and Rosenblum 2003).

An ActionAid policy staff reflects that despite the existence of a new analysis framework and the talk about RBA at the local level, few staff members have implemented it. A reason is that they still do not understand clearly how to turn the framework and concepts into programs. This transformation process tends to take sometime before it is implemented widely.¹³⁸ Without training activities on RBA, Oxfam GB, in analyzing itself, points out that one of its weaknesses in Vietnam is that its staff still lacks “detailed understanding of human rights programming” (Oxfam GB 2003b, 8). SC Sweden has the least problem on this issue as the organization has gone through a rather long process of learning to become a rights-based organization.

Finally, a factor affecting RBA implementation is staff’s mindset, understanding, and attitudes towards human rights and RBA. ActionAid Vietnam has received the most impact from the change to its RBA, as the organization has been through several major changes in the past decade. “The major obstacle (in implementing an RBA) is to convince ourselves that RBA is the right way,” said a staff of ActionAid Vietnam.¹³⁹ The problem is “people mindset,” another confirmed.¹⁴⁰ The most confused of the staff of ActionAid Vietnam is the local staffs who work on the ground. These staff used to do infrastructure work for people. Now they have to tell people that building schools is not what ActionAid Vietnam is going to do anymore. That is government’s responsibility. But people should still contribute their labor, while the money is collectively drawn from the government, the people, and ActionAid Vietnam.¹⁴¹

¹³⁸ Interview, S. Parasuraman, 11 February 2003.

¹³⁹ Interview Hoang Phuong Thao, 26 March 2004.

¹⁴⁰ Interview, Ngo Thi Minh Huong, 5 April 2004.

¹⁴¹ Interview Hoang Phuong Thao, 26 March 2004.

For Oxfam GB, at a country level, staff does discuss the changes from a needs-based to a rights-based approach, but there is still a limited understanding of RBA. Save the Children has had the least trouble from staff understanding of its RBA. To remove the confusion and promote understanding of human rights and RBAs are the key challenges for all three organizations, especially for ActionAid Vietnam, as local staff are the key persons who actually empower the poor as suggested by its Popular RBA.

7.3 WHO WORKS FOR THE MOST MARGINALIZED?

REALITY CHECK ON PRIORITY SETTINGS AND TARGET SELECTION

As discussed in Chapter 2, one of the key implications of RBAs are said to be the focus on vulnerable groups. ActionAid agrees with the approach, noting that “but on the whole structure need to be democratic without any room for discrimination against people by the state.”¹⁴² SC Sweden supports the idea, noting that an implication of an RBA is equity and non-discrimination, meaning a focus on the worst rights violations and on the most marginalized children (Theis 2004).

¹⁴² ActionAid Asia Website, <http://www.actionaid.org/asia/354.html>, 8 December 2004.

	ActionAid Vietnam	Oxfam GB	SC Sweden
Overall target selection	To fit organization expertise	To fit program priorities	Children at risk from human rights analysis, but must fit “Program Areas”
Target selection—prioritizing the most marginalized?	No. Target groups are selected to fit the already-chosen themes, which the organization has expertise in, and based on needs-based assessment of particular development areas. Target must be in areas where ActionAid is allowed to work.	No. Target groups are selected to fit program priorities, set based on situation analysis with little human rights framework and tools. Targets must also be in areas where Oxfam is allowed to work.	Some. Based on a rights-based analysis, groups of children at risk are identified, but they get “lost in translation” and become categories when put in the Program Area framework. Targets must be in areas where SC Sweden is allowed to work
Priority Areas	<ul style="list-style-type: none"> ▪ Food security and food rights ▪ Governance ▪ Education and literacy ▪ HIV/AIDS and health ▪ Anti-trafficking 	<ul style="list-style-type: none"> ▪ Livelihoods ▪ Education ▪ Governance and equality ▪ Humanitarian 	<ul style="list-style-type: none"> ▪ Education and training on human rights and CRP ▪ Limited work on child protection, a grater extent on “promotion of the protection” ▪ Less work on children I poverty

Figure 7.3: Priority Setting and Target Selection of the ActionAid Vietnam, Oxfam GB, and Save the Children Sweden

7.3.1 ActionAid Vietnam’s Priority Setting and Target Selection

ActionAid Vietnam has a vast pool of choices in selecting its work within the context of the Fighting Poverty Together strategies. However, priority setting is affected by a few factors. First, its priority is based on need-based assessment, as the organization does not use a human rights situational analysis or other tools to help identify the most vulnerable groups in society. The second factor is ActionAid Vietnam’s own capacity and expertise. Third, the expectation of

which work is more likely to get permission from the government is a factor in choosing what and who to work for in Vietnam.¹⁴³

ActionAid Vietnam has expertise in food rights and security, and education. These themes have become priorities, creating the criteria by which target groups are selected. That is, the organization does not select the most marginalized first; rather it finds target groups to fit its already identified “priority themes.” As a result, the program’s focus is divided on food security and food rights (25%), governance (16%), education and literacy (9%), HIV/AIDS and health (6%), anti-trafficking (4%), gender equity (6%), and “innovative programs” (15%).

In 1995, an ActionAid Vietnam staff member wrote about how her organization identifies and tackles poverty. She notes that when ActionAid Vietnam reaches a village that is to work in, it identifies the poorest families by asking villagers to rank their socio-economic status. After having families listed and ranked from the richest to the poorest, ActionAid Vietnam chooses to serve the lower 50% of people on the list, leading to resistance from the upper 50% group who did not get program resources. In response, the organization decided to include the upper 50% in its programs, which in turn, made its partners feel “extremely awkward” to work with the wealthy who “should have been excluded” from the program (Turk 1995, 37-41). ActionAid Vietnam notes that the wealth-ranking list, which continues to be used, is for the staff to make sure that the lower 50% participated in the programs, and some programs are designed to limit the wealthy from participating, such as micro credit programs. Without a human rights assessment of the village, ActionAid Vietnam’s program is designed to serve the “consumption need” of the groups first in hope that “the poor households will be better placed to participate in and take advantage of the growing market economy.

¹⁴³ Interview Hoang Phuong Thao, 26 March 2004.

This outcome shows that ActionAid Vietnam serves some wrong groups of people as it lacks an analytical tool to help it identify whether all 100% of the villagers are those to work with, or possibly, none of them, which is more reasonable than the use of the arbitrary 50% cut-off point. It is not clear how ActionAid Vietnam chooses village target group, but what is clear is that ActionAid Vietnam needs a new working framework to analyze what human rights are related to communities and who are vulnerable groups that needs special attention.¹⁴⁴ This should help strengthen the target section process and reduce the chance of working for the wrong groups.¹⁴⁵

7.3.2 Oxfam GB's Priority Setting and Target Selection

Oxfam GB does not prioritize the most marginalized groups, the poorest of the poor or the most disadvantaged groups of people in Vietnamese society. In Vietnam, Oxfam GB sets its priority and program spending is divided on livelihoods (42%), education (23%), governance and equality (22%), and humanitarian (13%).¹⁴⁶ Before the adoption of the Equity RBA and the introduction of the five aims, Oxfam GB did not have a clear tool to set priorities. Most country programs were initiated by staff at country offices, based on a needs-oriented assessment. After

¹⁴⁴ There is also a need to move away from identifying target groups due to the possibility to show quick results. A senior manager of ActionAid note that the organization cannot focus its attention on the poorest and most deprived individuals in the community since it is much too difficult to show quick and concrete results if one works with those who live in remote areas, have few resources, respond slowly, and sometimes only to charity (Nicholls 2000).

¹⁴⁵ In a trip to assess the progress of ActionAid Vietnam in the implementing of its RBA, the consultants, hired by ActionAid Asia, visited a site in Ho Chi Min City (HCMC) where ActionAid Vietnam worked for migrant workers. The workers were presented by ActionAid's staff as "the most marginalized," but the consultants noted that they have a somewhat contrary perspective as the worker's lives have been improved with no indication of permanent stigma or administrative impediments of social benefits. Another possibility of the non-most marginalized group that ActionAid works for is the target group of the Catfish campaign—400,000 poor farmers in the Mekong Delta region of Vietnam. However, the only case, appearing in its 2002 Annual Report invested in her farm by borrowing US\$ 19,600 from a bank. A farmer who could access to such financial resources—50 times of Gross National Income (GNI) per capital (US\$ 390 in 2000)—to invest in her own business is more likely to be a upper lower-class, if not middle-class, rather than the most marginalized people in Vietnam.

¹⁴⁶ The number is for 2003-2007 (Oxfam GB 2003b).

the adoption, priority can be set with the five aims. Target groups are then selected to fit program priorities. Without an analysis, focusing on identifying the most marginalized, it is difficult for Oxfam GB to direct its efforts to the most marginalized. That is, the most marginalized are not the starting point for Oxfam GB, nor are the key target groups of the organization.

A positive sign is that Oxfam GB's leadership acknowledges that it does not do it and accept that it would be a significant change to do so. In a natural resource management program, for instance, Oxfam GB usually works to assist farmers who are at risks of losing their land, because the rich want to buy it up, or because the government wants to build a dam. Oxfam GB targets these people, instead of the landless, although landless people have no security of incomes, and therefore are more vulnerable and marginalized.¹⁴⁷ This is one example of how Oxfam GB chooses their target groups, based on the organization's program priorities, rather than on the most marginalized.

In sum, Oxfam GB's five aims framework does not provide a way for the organization to target the most marginalized. Oxfam GB has yet to go beyond working for "the poor" to working for specific groups whose rights are most at risk being violated, discriminated against, or denied. To do so, Oxfam GB needs an analytical framework and tools to put them on the radar screen.

7.3.3 SC Sweden's Priority Setting and Target Selection

As an organization that uses the CRC as the foundational document, SC Sweden has learned priorities as identified by the CRC Committee, such as in its concluding observations. The organization's priority when it first came to Vietnam was to help, support, push, build capacity, and encourage the Vietnamese to do a UN human rights report. It followed the proceedings of

¹⁴⁷ Interview, Heather Grady, 6 February 2004.

the CRC, including organizing numerous trainings on CRC, discussions, and translating of the CRC into Vietnamese. The response was good as people were eager to learn.

At present, SC Sweden does its own human rights-based situational analysis and continues to use concluding observations as a tool for priority setting. These two tools help SC Sweden identify groups of children, whose rights are at a greater risk of being violated, denied, and discriminated against. That is, the organization identifies children groups before fitting them into themes, or in this case—program areas. This is a major difference from the other two organizations who choose themes to work before finding target groups that fit their program priorities. At the same time, SC Sweden has the advantage of a narrowed mandate that focuses on children.

In Vietnam, SC Sweden identifies and prioritizes children with little or no access to formal education—especially children with disabilities, children living and/or working on the street, children affected with HIV/AIDS, children exposed to economic exploitation, and children abused physically and mentally. But these children do not automatically become priorities as there are other factors influencing priority-setting process.

First, SC Sweden has a limited capacity in reaching out to children living outside cities, which is SC Sweden's turf.¹⁴⁸ This limitation results in an incomplete picture and ground experiences of human rights circumstances of children. Second, SC Sweden is small and does not deliver services by itself, making it dependent on partners. In choosing the issues to work on, SC Sweden has to ask: who will it work with on the issues? Third, SC Sweden's work is traditionally based on cooperation with government officials and partners. Compared to the other two organizations, SC Sweden is the most diplomatic in Vietnam. It has been very careful not to

¹⁴⁸ SC Sweden traditionally works mostly in urban areas, and not much in rural areas. In Vietnam, there are only two out of twelve ongoing projects in rural areas, one in the south and one in the north.

irritate the government. This level of cooperation and “diplomacy” affect choices of priority, as it tends to choose less sensitive and less controversial issues, such as children’s education and children with disabilities. Fourth, NGOs compete for acceptance, credit, and money. Like others, SC Sweden chooses to work in areas that it believes to be its strength. A program staff of SC Sweden confirms this point: “SC Sweden used to work with ethnic minority, as many NGOs are now working for them. But now SC Sweden changes to education, which is its strengths.”¹⁴⁹

Finally, SC Sweden’s program areas—which suggests in greater detail what and how the work should be done—have much influence in priority setting and target selection. Although in theory program areas do not necessarily force the organization to drop marginalized children from its priorities, in practice they are a major cause of the loss of marginalized children in the priority setting process. When program managers look at a pool of “qualified” marginalized children, they do not assess and choose the most marginalized. Instead, they match these groups of children with the program area priority. As a result, it is possible that the most marginalized or most at risk groups of children are not selected. A staff member of SC Sweden in Vietnam sums it up well: “Of course, human rights are for everyone, including the disadvantaged and the marginalized, but we have priorities.”¹⁵⁰

SC Sweden is also the organization that allows the government’s expectation to determine its roles the most, compared to the other two organizations. As a senior officer points out, the CRP, introduced in 2000, did not change the way SC Sweden worked in Vietnam very much. The factor that determines what issues to work on and not, is based more on the acceptability of the government.¹⁵¹

¹⁴⁹ Interview, Anonymous, 2004.

¹⁵⁰ Interview, Anonymous, 2004.

¹⁵¹ Interview, Anonymous, 2004.

7.4 FROM SERVICE DELIVERY TO POLICY ADVOCACY?

It has been suggested that an implication of RBA is to change from doing service delivery, which is seen as temporarily problem solving, to policy advocacy, which is believed to create sustainable changes. This section examines the extent to which the three organizations have shifted from service delivery to policy advocacy.

7.4.1 ActionAid Vietnam's Roles in Service Delivery and Policy Advocacy

ActionAid Vietnam traditionally works mainly in service delivery in rural areas, where they interact and develop connections with local governments, local NGOs, and mass organizations. The Popular RBA has questioned its core work. The organization considered and decided to reduce its service delivery. This is evident in its spending. ActionAid Vietnam used to spend 60% of its budget on infrastructure and service delivery. After the adoption of RBA, the number came down to 30-35%. However, the number is likely to stay at the same level. A staff notes that there is still some need to support financially the infrastructure.¹⁵² This retention of service delivery in Vietnam reflects ActionAid Vietnam's position of "add-on," rather than choosing either welfare work or policy advocacy. This retention should also help the organization gain influence to local governments and partners, which is a useful leverage tool in bringing about change. Services delivery work of ActionAid Vietnam includes building schools and other infrastructures, running adult education, and micro-finance programs.

¹⁵² Interview Anonymous 2004.

While service delivery at the local level has been a strength of ActionAid Vietnam, policy advocacy has yet to become one. ActionAid Vietnam has had difficulties in influencing national policy due to several factors. First, there is still some resistance from the headquarters, as well as some donors. This resistance is because advocacy and RBA in the eyes of some donors—who donate through child sponsorship program—are “something more political.”¹⁵³ This generates resistance from the marketing department, whose job is to make sure donors continue to support the organization. Second, in rural areas where ActionAid Vietnam mostly works, there is “little government to speak of.”¹⁵⁴ This is also true in Vietnam, as local governments have limited authority in policy decision-making; rather they serve as arms for central policy implementation. Third, ActionAid Vietnam has limited connections to authorities at the national level as the organization works mostly in rural areas, where most of its connections reside.

However, after the adoption of the RBA, ActionAid Vietnam has increasingly worked with the national government, which should increase its connections at the national level.¹⁵⁵ Finally, ActionAid Vietnam’s staff in Vietnam has little experience in lobbying or advocating for policy change. Many of them still enjoy providing services in rural areas, and do not want to step out of their comfort zones.

¹⁵³ Interview, Parasuraman, 11 February 2003.

¹⁵⁴ Nicholls finds that ActionAid’s advocacy work at the international level has little impact because the organization is relatively small and it neither has official access to inter-governmental forums, nor does it have an international profile. Its unsuccessful advocacy work at the global and national levels is explained by political resistance within the organization, as there was strong resistance from the trustees, and some from the marketing department. Although this has improved in recent years, the organization still has not been able to get everyone on board with advocacy work and a human rights-based approach (Nicholls 2000, 156-174).

¹⁵⁵ Interview, Ngo Thi Minh Huong, 5 April 2004.

	ActionAid Vietnam and the Popular RBA	Oxfam GB and the Equity RBA	SC Sweden and the Classical RBA
Overall roles in Vietnam	A less critical and handy NGO for the government, who reduces but retains service delivery in rural areas Increasing but still little influence on national development policies	A rather critical British-looking NGO with decreasing roles in delivering services Moderate, with potential to increase influence on national development policies	An old prestigious Swedish children's rights NGO that do not provide direct services Moderate influence on national development policies
Delivery services	Retains direct service delivery work, despite a decrease. Direct services includes: <ul style="list-style-type: none"> ▪ "REFLECT"¹⁵⁶ adult literacy and education programs for ethnic minorities ▪ Micro credit ▪ Infrastructure building 	Little service delivery, such as training of 120 Grade 1 teachers on child-centered methods	No service delivery in a traditional sense, but provides specific direct support, e.g. <ul style="list-style-type: none"> ▪ Providing counseling support on HIV/AIDS: access to clinic and preventive information for street children ▪ Providing defense lawyers for children
Policy Advocacy	Beginning and limited. Mostly at the local level, but increasing at the national level. Advocated policies include: <ul style="list-style-type: none"> ▪ Food security ▪ Irrigation management ▪ Poverty reduction through membership in Poverty ▪ Task Force Group 	Beginning and increasing, especially on economic policy at the national level. Advocated policies include: <ul style="list-style-type: none"> ▪ Trade policy ▪ An increased pro-poor agricultural budget ▪ Poor people's participation in poverty reduction programs ▪ Increased education funding ▪ Monitoring the CPRGS 	Not quite a beginning and moderate. Mostly in terms of putting new issues onto the agenda. Advocated policies include: <ul style="list-style-type: none"> ▪ Inclusive education ▪ Child participation ▪ Child abuses and exploitation ▪ Trafficking ▪ Labor law (advocate for change to comply with the CRC)

Figure 7.4: Service Delivery and Policy Advocacy of ActionAid Vietnam, Oxfam GB, and Save the Children Sweden in Vietnam

¹⁵⁶ REFLECT stands for Regenerated Freirean Literacy through Empowering Community Technique. It is an approach to adult learning and social change, originally conceived as a fusion of the Brazilian educator Paulo Freire's theoretical framework on the politic of literacy and participation, and further developed by ActionAid UK through innovative programs in Uganda, Bangladesh, and El Salvador between 1993-1995. A key concept of this approach is creating a space where people feel comfortable to meet and discuss issues relevant to them and their lives. REFLECT aims to improve the meaningful people participation through strengthening their ability to communicate (ActionAid 2003; and Archer 2004).

In Vietnam, where advocacy has only recently been accepted,¹⁵⁷ ActionAid Vietnam has yet to build up its influence and advocacy skills. ActionAid Vietnam has been successful in advocating for a Participatory Irrigation Management (PIM) program and other initiatives at the village level, such as the participatory village development plan project. It now works to replicate the success in other places. Another major achievement of ActionAid Vietnam's advocacy is to be able to build trust with the PACCOM—the government body that monitors and coordinates with international NGOs (INGOs). This trust makes PACCOM become more cooperative with ActionAid Vietnam, and more willing to take on poverty issues, rather than watching the organization suspiciously as in the past.¹⁵⁸

Another initiative of ActionAid Vietnam is to deploy campaigns as a tool to influence policy. The organization believes that grassroots work alone is not enough to create sustainable change. It is now moving from grassroots work to campaigning work.¹⁵⁹ A few pilot campaign projects have started. One of its earliest in 2002, the catfish campaign was aimed to improve the livelihoods of farmers in the Mekong Delta region of Vietnam, who were affected by the US's decision to ban the import of catfish from Vietnam. The campaign includes research and public actions, and targeting the US instead of the Vietnamese government. Unfortunately, the US did not change its policy. In 2003, the organization joined other partners in the National HIV/AIDS Committee in a campaign on HIV/AIDS. ActionAid Vietnam, in working and non-working areas, participated in the campaign. In 2004, it continues its path towards a campaigning

¹⁵⁷ At first, the term “advocacy” did not fit the political culture of Vietnam and therefore was not accepted by the government. This has gradually changed after the World Bank and the UN use the term frequently. Now the Vietnamese government has begun to accept the term when INGOs use it. Interview, Ngo Thi Minh Huong, 5 April 2004.

¹⁵⁸ Interview Hoang Phuong Thao, 26 March 2004.

¹⁵⁹ Interview, Ngo Thi Minh Huong, 5 April 2004.

organization by developing work on privatization, containing many of campaigning components.¹⁶⁰

The move towards campaigns reflects ActionAid Vietnam's difficulties in advocating for national policies and its willingness to experiment with new ideas and methods to better achieve results, sometimes with limited preparation for staff skills. The move also reflects the experimental change process ActionAid Vietnam in the adoption of an RBA.

In sum, ActionAid Vietnam joins other RBA NGOs in shifting the focus from service delivery to policy advocacy. It has significantly reduced direct services delivery work, turned to campaigns, and prioritized policy advocacy at the national level.¹⁶¹ The work in direct services in the rural areas gives it the image of a "helpful" organization, which helps it develop trusting and productive relationships with local authorities and mass organizations. The challenge ahead for ActionAid Vietnam is to make use of the trusting relationships as well as its experiences at the local level and transform them into national advocacy.

7.4.2 Oxfam GB's Roles in Service Delivery and Policy Advocacy

Oxfam GB's role as a direct service provider has been lessened. The organization used to play the role of school and infrastructure builder, such as dikes to help farmers. After the adoption of the Equity RBA, this type of work was deprioritized. In 2001, Oxfam GB decided to stop playing the role of direct service provider, telling the government that services were the

¹⁶⁰ Interview, Ngo Thi Minh Huong, 5 April 2004.

¹⁶¹ ActionAid Vietnam, ActionAid Vietnam, no date.

government's job. Similarly, on education work, it changed from being a school builder to one talking about the quality of education and the right to education.¹⁶²

Oxfam GB's policy advocacy is not new for the organization, but is new in Vietnam. The organization only started to advocate on policy in 2002-2003. Before this time, Oxfam GB had been worried about engaging the Vietnamese government over policy issues. The organization worked on project-based research, extension work, technical assistance, but never on policy. The turning point was the issue on trade, which changed the shape of its work. As the Vietnamese government wants to become a member of the WTO, Oxfam GB's advice on trade to government officials starts a new phase of policy work in the country.

Oxfam GB quickly developed advocacy work on livelihoods and governance. Against the backdrop of the new Grassroots Democracy Decree, its program on the right to be heard builds capacity of groups of local NGOs to monitor the impact of government policies. However, local groups reflected back that while working on the right to be heard, they have to have their right to operate, which is not yet the case.

The work in capacity building of local NGOs to advocate for policy change was not a successful one. This is largely due to the lack of political infrastructure and culture to foster such work in Vietnam. An Oxfam GB staff member rightly points out that international NGOs in Vietnam, including Oxfam GB, must do their own advocacy work, rather than capacity building for local NGOs.¹⁶³

Oxfam GB's advocacy work in Vietnam is carried out through workshops, lobbying, communication, and networking mostly for the poor to improve access to resources, services, policy, budget, and information for poverty reduction. Specific foci of its advocacy work have

¹⁶² Interview, Francis Peres, 26 February 2004.

¹⁶³ Interview Le Kim Dung, 25 March 2004.

been on trade policy and the impact on the poor—such as on coffee, rice, and shrimp, increased pro-poor agricultural budget, increased education budget, and on ensuring participation processes in government’s poverty reduction programs (Oxfam GB 2003e).

Advocacy work of Oxfam in Vietnam is in the beginning stage. There is a lot of room for improvement as the organization is still far from fully utilizing its potential in policy advocacy. In addition, the integration of campaigns into country program work is still limited, including the Make Trade Fair campaign.

In conclusion, Oxfam GB’s significant change of roles after the adoption of the RBA was that it stopped its work as a direct service provider, and instead has become a policy advocate to improve the quality of service. Campaigns as a key advocacy tool for Oxfam GB have not worked very well in Vietnam, and have yet to be integrated into country work. Direct lobbying has started to show some positive results in the improvement of access to resources, services, and opportunity, as well as in poor men and women’s participation in government poverty reduction programs, including the CPRGS. The result of the influence on pro-poor development policies has yet to be seen, as the organization has just changed from being passively polite to productively critical.

7.4.3 SC Sweden’s Roles in Service Delivery and Policy Advocacy

SC Sweden does not provide services as most development NGOs do, although it directly provides some specific supports, such as legal service and lawyers for children, counseling services for HIV/AIDS children, and information on HIV/AIDS for children living and working on the streets.

Not being strong on rural development, SC Sweden has taken its time in building up the strength in advocacy. It holds that policy advocacy is a key instrument for long-term change and a tool for “a truly national level sustainable impact.”(ISCA 2004, 2) Despite its diplomatic approach, SC Sweden has achieved some concrete and positive results in its advocacy work. These include the introduction of new issues to the government and to the public, such as juvenile justice, inclusive education for children with disabilities, children participation, and the rights of children at school. The organization also advocates for changes in the labor law so that it complies with the CRC, work that very few NGOs do in Vietnam.

In 2002, SC Sweden initiated a Children’s Forum, spotlighting issues around children. It was followed by a Children and HIV/AIDS Forum organized with other SC alliances, the National AIDS Standing Bureau (NASB), and other partners. It worked with children over three months in presenting issues, problems, and recommendations to the National HIV/AIDS Bureau and the public. The success in putting children and HIV/AIDS into the public agenda led to the use of the same technique on children’s education in 2003. Again, issues of “soft environment” of education, such as teachers’ attitudes, were highlighted, and made aware to policy makers.¹⁶⁴ SC Sweden has also pioneered work on juvenile justice, building capacity for those involved in justice administration. Its inclusive education initiative has gone beyond bringing children with disabilities into school to fulfilling the right to education of children in developing their personality, knowledge, skills, and mental, physical, and social capabilities (Lindskog and Hai 2002).

SC Sweden has been successful in advocating for the government to open up doors to development issues, which otherwise would not be acknowledged and solved. Several factors contributing to these successes are, firstly, the organization has clear focus on influencing policy

¹⁶⁴ Interview, Yen Nguyen, 22 March 2004.

change at the national level, due to the fact that it does not do service delivery and rarely does projects in rural areas. Second, the work on developing a manual and training on children's rights for journalists nationwide has generated strategic partnerships. The connection with the media has in turn helped them get children issues on the agenda. Third, SC Sweden does not aim high in its advocacy work. It largely focuses to influence the opinion of some key people in government. Finally, it has used its diplomatic skills and the prestigious image of organization in getting their messages across, and softly influencing the Vietnamese authorities.

Despite some successes in getting children issues on the agenda, SC Sweden is struggling to move forward on its ongoing advocacy work. On child trafficking, SC Sweden conducts advocacy work with national level organizations and some UN agencies related to the field. Yet there is no evidence that the work is aimed to make significant changes in government policies. On education for marginalized children, advocacy work is carried out indirectly by engaging authorities in the capacity building projects, and not by directly lobbying government authorities for policy changes.

These limitations can be explained by the difficulties to go beyond dissemination of information to policy makers and getting issues on the public agenda—despite being crucial first steps in advocacy. SC Sweden is yet to use full-scale advocacy tools, including lobbying, pressuring, and recommending practical policy, strategies, and steps to remedy the problems. It has yet to focus on the creating changes in specific policies. At the same time, the relationship with the media should be milked and turned into more coverage of children's rights issues.¹⁶⁵

¹⁶⁵ SC Sweden has hired external consultants to periodically review its advocacy work. In these reviews, advocacy is identified as a powerful tool for change. It is recommended that SC Sweden increasingly work with media managers in order to get more work published and broadcasted, and that should focus on the quality of training on child rights for journalists. Interview, Yen Nguyen, 22 March 2004.

There is also room for SC Sweden to be more critical, more challenging, and less overly polite in approaching Vietnamese authorities.

In sum, SC Sweden leads others in quitting service delivery, and instead focuses on policy advocacy. Its Classical RBA has contributed significantly to Vietnamese society. The most important one is to bring up issues of children's rights to the attention of the authorities and the public. The organization has worked in building the capacity of the authorities and partners in bringing about the fulfillment of children's rights. SC Sweden is facing a challenge of deploying a greater variety of advocacy tools in moving its advocacy work forward, or it risks limiting its roles to just introducing new issues with little follow-up.

The three organizations face problems in advocacy work in Vietnam, as there is little political space for advocacy. The staffs of the three NGOs also have limited experience in the country. For example, advocacy work is completely new to local staff of SC Sweden. Stockholm has had to provide training on how to do advocacy work. Yet, only limited advocacy tools have been used in the country, leaving plenty of room for improvement.

One important lesson from SC Sweden's successful advocacy in Vietnam is that international NGOs should work with partners and donors in organizing a temporary space to get the attention of the state and get human rights issues onto the public agenda, and later to do a follow-up to sustain the work. The examples are the HIV/AIDS and Education Forums. The challenge that remains is to do the follow-up work and to create a political will of the authorities, as well as capacity building. More creative use of donors' influence in key areas needs to be further explored. Finally, providing training sessions on human rights for journalists has proved to be a good investment. Not only have journalists changed their attitudes, knowledge, and behavior towards the respect of human rights, they have become key partners with NGOs by

actively publicizing human rights messages of campaign and advocacy work carried out by the NGOs.

An observation regarding advocacy in Vietnam is that donors are potential supporters both in policy advocacy and RBA implementation. In an aid-receiving country like Vietnam, donors have even greater roles in supporting RBAs, especially that of creating enabling environments for RBA NGOs to work in, as well as raising specific human rights issues in the name of poverty—which is more popular than in the names of human rights per se. The recent increased influence of donors in Vietnam started in 2000, when donors pushed for a Poverty Reduction Strategy Paper (PRSP) under the World Bank’s framework for the Highly Indebted Poor Countries (HIPC). Since then, annual meetings of the Poverty Group have been organized by donors and INGOs.¹⁶⁶ The government started to see INGOs as sources for information, increasing their credibility, and therefore heightening their influence over policy recommendation on poverty issues. INGOs have quickly taken advantage of the new space opened up by donors, influencing the government on other issues. Examples of these strategies were the Forums on HIV/AIDS and education.¹⁶⁷ Donors are therefore a key channel for RBA NGOs to use to leverage policy changes in the country.

¹⁶⁶ Most local NGOs, however, are not in a position to participate, as the government body responsible was the Ministry of Interior, which directly controls the NGO registration. Some individuals from local NGOs could participate, but not as NGOs or Networks. Interview Dau Hoan Do, 25 March 2004.

¹⁶⁷ Interview Dau Hoan Do, 25 March 2004.

7.5 WHO TOUCHES ON POWER RELATIONS?

Many academics and NGOs, including ActionAid Vietnam, Oxfam GB, and SC Sweden assert that an RBA will be meaningful to the development industry because it addresses the root causes of poverty, which lies in unequal power relations of the state and the poor, or duty bearers and rights holders. This section assesses the extent to which the three NGOs have touched on and affected power relations in Vietnam.

In the assessment of organizational behaviors in changing power relations, a framework is developed here to measure practices of the three organizations. This framework is derived from three basic principles of a human rights-based approach to development: accountability; empowerment; and equality and non-discrimination.

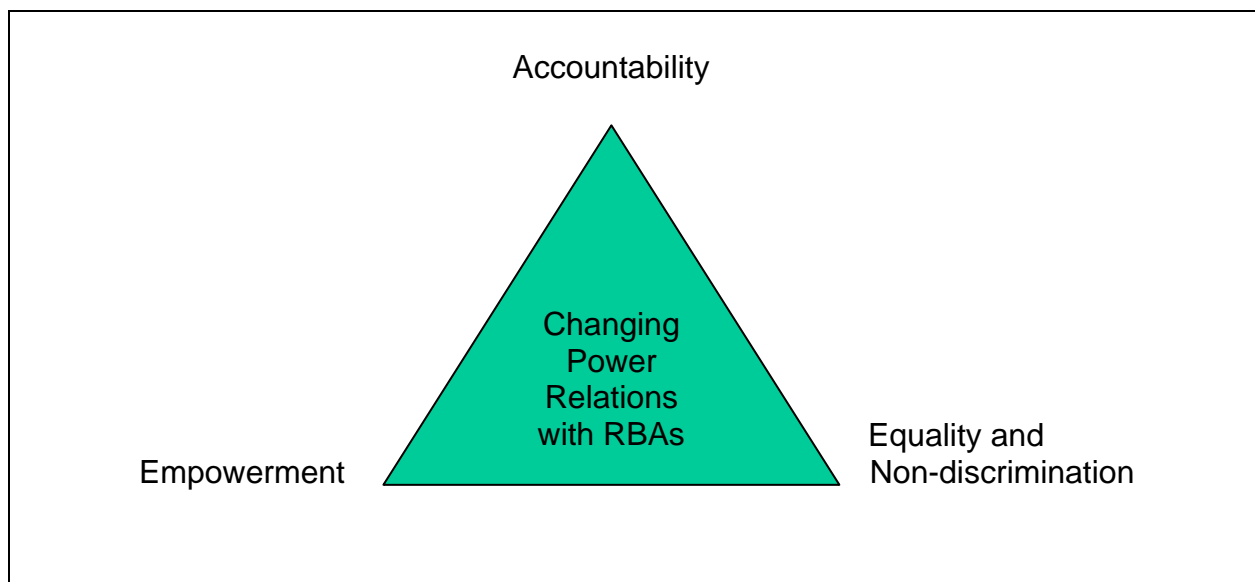


Figure 7.5: The RBA Framework of the Change of Power Relations

The accountability principle calls on RBA agencies to highlight and strengthen laws, policies, measures, and actions to fulfill obligations of duty bearers to rights holders. There are several ways to hold duty bearers accountable, ranging from promoting the concept of duty bearer and rights holder relationships among public, inquiring about how the government will take actions to fulfill specific rights, building capacity, and supporting the duty bearers in living up to its obligation, to documenting economic, social, and cultural rights violations, to mobilizing pressure nationally and internationally to create changes and remedies.

The equality and non-discrimination principle is fundamental to all human rights—to protect discrimination in the enjoyment of civil and political rights, and economic, social, and cultural rights. This principle calls for RBA agencies to pay special attention to the vulnerable, marginalized, and minority groups; to protect them from being discriminated against; and to promote their access to services, resources, and opportunities. The principle challenges NGOs to go beyond vaguely identifying its targets as “the poor” to more specific at-risk groups, such as girls in region A who risk being trafficked, or farmers in the Northern region who are likely to lose their farm lands.

In practice, fighting for non-discrimination and promoting equality can be carried out in many ways. Save the Children, for instance, identifies a number of ways to fight discrimination among children: introducing new legislation; strengthening existing legislation; challenging attitudes; tackle discrimination through education; train all professionals working with children; increase public awareness to challenge discrimination; promoting diversity through the media; strengthen civil society organizations; and listen to children (ISCA 2000).

The Empowerment Principle aims at strengthening rights holders’ capacity to exercise their rights, to claim, and to hold duty bearers accountable to their obligations to respect, protect, and

fulfill the rights of the people. Five broad working methods are capacity building, human rights awareness (such as public campaigns), human rights education (such as training sessions), participation, and directly supporting rights claims. The last method is of special importance as it goes beyond traditional people participation in development projects to organizing and mobilizing people to claim their rights directly. This stems from the notion that an RBA changes the question posed by service delivery—what do the poor need? —to a rights advocacy question: how can the poor be enabled to articulate and claim their rights?

To change power relations, all three principles need to be realized. That is, the duty bearers must become accountable to rights holders and live up to their human rights obligations in terms of national and international human rights laws and standards. Second, rights holders must be aware of their rights, having the capacity to exercise and claim their rights from duty bearers. Finally, people whose rights are at risk of being violated, denied, or discriminated against—with or without the association of their identities, must be protected. The three principles can lead to several working methods, contributing to the realization of the principles. Examples of these working methods are shown in Figure 7.6.

Accountability— “Holding duty bearers accountable”	<ul style="list-style-type: none"> ▪ Strengthen accountability structures and mechanisms, such as laws and measures ▪ Question the state and make it explain how it is going to fulfill its obligations on specific rights ▪ Hold the state accountable to specific rights, such as by making it promise and/or making it take action e.g. by developing a plan to fulfill the right to housing ▪ Assist the state in overcoming obstacles to accountability, such as conducting training to border police on women’s rights or recommending for improvement of specific areas in the administration of justice ▪ Document human rights violations, or denial of ESCRs, make recommendation for improvement, make reports public, and campaign and follow up the calls for changes based on the reports ▪ Put pressure, advocate, campaign, and lobby the state for changes in laws, policies, measures, and practices ▪ Repeatedly promote the rights holder and duty bearer relationship—the foundation of human rights accountability
Empowerment— “Empowering rights holders”	<p><i>A. Capacity Building</i></p> <ul style="list-style-type: none"> ▪ Build people’s capacity in technical skills, such as pest control, and fertilization ▪ Build people’s capacity in participation on different levels. <p><i>B. Human Rights Awareness</i></p> <ul style="list-style-type: none"> ▪ Organize public campaigns on human rights issues ▪ Use mass media to publicize human rights violations or issues ▪ Conduct research and make reports public <p><i>C. Human Rights Education</i></p> <ul style="list-style-type: none"> ▪ Develop training manuals on human rights ▪ Provide human rights education sessions to duty bearers and rights holders ▪ Create pools of human rights education trainers ▪ Organize activities aimed at changing values, attitude, knowledge, and behavior towards respect of human rights <p><i>D. Participation</i></p> <ul style="list-style-type: none"> ▪ Involve people in development project cycles¹⁶⁸ ▪ Include people’s participation in policies effecting their lives <p><i>E. Support Rights Claiming</i></p> <ul style="list-style-type: none"> ▪ Organize and mobilize people’s groups ▪ Support and facilitate people in claiming their rights ▪ Build people’s capacity in monitoring human rights and development policies, laws, budget, and resource allocation, and practices
Equality and non-discrimination	<ul style="list-style-type: none"> ▪ Promote inclusion of the disadvantaged and marginalized groups ▪ Document and make public inequality and discrimination cases ▪ Promote access to services, resources, and opportunity among disadvantaged groups ▪ Advocating for laws, policies, measures, and practices that promote, protect, and fulfill the rights of groups with specific protection for at-risk groups, such as, children, women, the disabled, minorities, trafficked persons, internal displaced persons, refugees, migrant workers, people in remote areas, and other disadvantaged groups.

¹⁶⁸ Hamm points out earlier that participation in an RBA model differs from usual practice in development for the RBA participation includes control of planning, process, outcome and evaluation, rather than just informing and involving people in projects that are already designed, planned and “brought” to them (Hamm 2001a, 1018-1019).

Figure 7.6: Components in the RBA Framework of the Change of Power Relations

By using the above framework to assess the progress and the extent the three NGOs have made in Vietnam, we can see some progress has been achieved, but largely the three NGOs have faced great difficulties in using the framework's strengths and implementing their RBAs.

7.5.1 Does ActionAid Vietnam Change “Power Relations” in Vietnam?

ActionAid Vietnam's ability to hold the Vietnamese government accountable is very limited. The organization strengthens accountability at the village level, such as the Participatory Irrigation Management (PIM), the Village Development Plans (VDP), and the Village Budget Process—which has been experimented with in two provinces. This work is valuable in establishing participation and accountability mechanisms at the local level. However, it is still limited to a small number of villages, and insignificant when measured against human rights goals. Similarly to advocacy work, ActionAid Vietnam's difficulties in holding the state accountable is largely due to its target area being confined to rural areas, the lack of experience in advocacy, its geographical “development areas” thinking, its mode of working—serving the needs of the poor, and lack of knowledge of human rights and RBAs. Moreover, the fact that the government approves ActionAid Vietnam's projects before they can be implemented makes it difficult for ActionAid Vietnam to hold the government accountable.

Empowering the poor is the area that ActionAid Vietnam can contribute significantly. This is largely due to implications of the Popular RBA, and the experience working with poor communities at the grassroots level. Most of ActionAid Vietnam's empowerment work is in

	Empowerment					Equality and Non-discrimination	Strengthening Accountability
	Capacity building	Human rights awareness	Human rights education	Participation	Support rights claiming		
ActionAid Vietnam	<ul style="list-style-type: none"> • Livestock development • Pest management • Micro-finance • Literacy 	<ul style="list-style-type: none"> • The catfish research and campaign • Research on globalization • Trafficking incl. mapping risky areas for the UN • HIV/AIDS 	None	<ul style="list-style-type: none"> • Inclusion of the poor in project cycles • PIM • Village development plans (VDP) • CPRGS consultation processes 	<ul style="list-style-type: none"> • Participatory Irrigation Management (PIM) • Some groups organizing work in the village level 	<ul style="list-style-type: none"> • Support women's roles in development • Support "poor households" to better access to market. 	<ul style="list-style-type: none"> • At the village level: PIM in two provinces; VDP in three provinces; and village budget process (piloting in four villages) • Corporate Social Responsibility • Legal framework of micro-finance
OXFAM GB	<ul style="list-style-type: none"> • Vocational training for landless minorities • Mostly through trainings in policy analysis and monitoring 	<ul style="list-style-type: none"> • Trafficking to women and children at risk • Violence against women campaign • Campaign on girls' education 	None	<ul style="list-style-type: none"> • Participation in some program development • Support the poor's participation in poverty reduction programs at the villages and commune levels 	<ul style="list-style-type: none"> • Group organizing and mobilizing • Support farmer union in trade negotiation; the poor in access to resources, services; and in holding government accountable 	<ul style="list-style-type: none"> • Support ethnic minority access to training and employment opportunities 	<ul style="list-style-type: none"> • National trade policy • Pro-poor agricultural budget • Call for mechanisms to include the poor in supervision of government poverty reduction program • Financing education • CPRGS monitoring
Save the Children Sweden	<ul style="list-style-type: none"> • Education • HIV/AIDS on access to clinics and preventive information for street children • On child rights to various groups 	<ul style="list-style-type: none"> • Research on child labor • Research on landless farmers in 3 provinces • Info on HIV/AIDS for street children • Child abuse & exploitation 	<ul style="list-style-type: none"> • 66 % of all programs has HRE elements • CRC and child rights training for teachers, journalists, police, prosecutors, and judges 	<ul style="list-style-type: none"> • Large scale of work on child participation • Participation of working children 	<ul style="list-style-type: none"> • Organize forums for children to speak out and claim rights 	<ul style="list-style-type: none"> • Access to education of children with disabilities • Juvenile justice • On child abuses and exploitation • Access to health care for children with HIV/AIDS in HCMC 	<ul style="list-style-type: none"> • Inclusive education • Child friendly district • On child abuses and exploitation and children with HIV/AIDS • Change labor law to comply with the CRC • CRC report • Advocacy work on children trafficking

Figure 7.7 The Analysis of Addressing Power Relations of ActionAid UK, Oxfam GB, and Save the Children Sweden

three forms. First, it supports people's participation in processes of its development projects, such as project identification, implementation, review, and evaluation. The organization has empowered people in this way significantly more than the other two organizations. Second, it supports people's participation in the government's poverty reduction programs, such as the village development plan. The third area is to help organize and support people to claim their rights. Despite being closer to the people, ActionAid Vietnam has yet to scale up its work on "support rights claiming." This is because this RBA type of participation—support rights claiming—has not yet become encoded and mainstreamed into the organization. However, the first type of participation has already been mainstreamed, as ActionAid Vietnam organized an organizational-wide training on how to put people at the center of development in 2001. Another reason for limited rights claiming supports is that ActionAid Vietnam staff in development areas has been trained to serve the needs of the poor, rather than to have a human rights activists' mentality in organizing and mobilizing people to claim their rights.

ActionAid Vietnam does not provide trainings on human rights. The organization has limited understanding of HRE, and lacks internal capacity and knowledge on human rights itself.¹⁶⁹ It therefore decides not to "go big" with making people know about their rights, but takes a "go slow" approach, emphasizing participation in the development process.

ActionAid Vietnam does capacity building work mostly in terms of technical assistance, such as pest control and livestock development. However, its work on adult literacy incorporates development participation processes, and links to actions within the framework of REFLECT. The work is an invaluable substitution for the lack of human rights education work. An important added value of the REFLECT approach is that it starts the learning process from issues in the

¹⁶⁹ Several ActionAid country offices in Asia have a policy to recruit new staff with human rights backgrounds. But this is not the case for ActionAid Vietnam.

community and links to a political process and power awareness. It emphasizes actions after the learning, which human rights education training often fails to do. Moreover, it fits well in the rural and community context, which is the Popular RBA's prime target. REFLECT has high potential to be a unique tool of ActionAid, not only to function as a human rights educational tool, but also an empowerment tool to support people so that they can claim their rights, the key strategy of Popular RBA.¹⁷⁰ However, it is unclear to what extent ActionAid Vietnam has used REFLECT as a tool for social activism and support people to claim their rights. Evidence suggests that Reflect is implemented largely as literacy program with limited components of the promotion of people involvement in social activities and community development, and much less in terms of empower people for rights claiming.¹⁷¹

In addition, ActionAid Vietnam has recently turned to the issues of human rights awareness. It has experimented running the catfish campaign, aiming to change the US measure that ban the importation of catfish from Vietnam, a US trade measure that has resulted in a worsening livelihood of farmers in the Mekong Delta region of Vietnam.

Promoting equality and fighting discrimination is not a strong point of ActionAid Vietnam. The organization, however, has done substantial work in promoting gender sensitivity within the organization and in its development processes. Although the organization asserts that its target groups are the most marginalized people, it lacks a working framework to promote non-discrimination, and lacks analytical and programming tools to identify people most at risk, or

¹⁷⁰ For a good discussion on ideas, concepts, and experiences of how Reflect can be linked with an RBA and issues relating to governance in Africa, see Newman 2004.

¹⁷¹ ActionAid Vietnam ran a three-year piloted project on Reflect in mountainous provinces of Bac Giang and Lai Chau in 2000, before extended in 2003 to Ha Giang and Tra Vinh, and future plan to launch Reflect among rural migrants, street children, and sex workers in Ho Chi Minh city. ActionAid Vietnam organized ten trainings of trainers workshops for over 100 facilitators. The projects served 2007 adults with a result of 92.4% of learners becoming literate. The organization is now lobbying the provincial and national governments to adopt Reflect as a nationwide literacy program. Besides literacy dimension, there is little evidence of social activism generated by the Reflect program. See, ActionAid Vietnam 2004b and 2005a.

most marginalized. It is highly questionable whether the wealth ranking method, as discussed earlier, can promote equality as it ranks financial poverty, rather than identifying people whose rights are deprived and denied.

An important factor influencing the role of ActionAid Vietnam in Vietnam is its multi-directional experiments. Although diversity and testing of new ideas can be an organizational strength, a consistent lack of focus and disruption of work is not. ActionAid Vietnam has thought and worked in “development area” (DA), a spatial focus inherent from a reproduction of a needs-based development approach. The organization changed from an area-based to an issue-based development approach, without adequate preparation or reorientation of staff in the early 1990s. By the mid 1990s, it changed again to sector-based—such as education, infrastructure, agricultural—which is a feature of mainstream development NGOs. The organization then moved back to an area-based approach at the end of the 1990s. Since the early 2000s, it has moved to issue-based development approach after adopting an RBA.¹⁷² Throughout these changes, the staff thinking has remained largely unchanged. They still think largely in terms of development areas as they used to. In addition, ActionAid Vietnam is moving to become a campaign organization with little preparation. All these experiments and sudden changes have created confusion among staff, and chaos as an organization, resulting in a lack of focus and disruption of work. The changes hold back the organization from being able to contribute more to change power relations between rights holders and duty bearers.

¹⁷² Interview, Ngo Thi Minh Huong, 5 April 2004. The thematic issues are now identified as: (1) food security; (2) governance; (3) HIV/AIDS; (4) education; and (5) corporate social responsibility.

7.5.2 Does Oxfam GB Change “Power Relations” in Vietnam?

Oxfam GB’s ability to hold the Vietnamese government accountable is very limited, but is somewhat more than ActionAid Vietnam and SC Sweden. It also has greater potential than the other two NGOs. Although the organization had “played safe” with the government until the past few years, it has progressed relatively quickly in attempts to hold the Vietnamese accountable. Oxfam GB’s work in this area includes a call for mechanisms to include the poor in supervision of government poverty reduction programs, direct lobbying work to make the government ensure that national trade policies do not worsen the livelihoods of the poor, the advocate for pro-poor agricultural and education budgets, as well as to monitor the implementation of the CPRGS—which become one of the most important tools in holding the government accountable to poverty reduction efforts.

The Equity RBA is not based on a human rights framework, but makes selective use of international human rights standards. The staff of Oxfam GB is not well equipped with knowledge of human rights. In fact, Oxfam GB does not carry out training on human rights and RBA at all, while ActionAid Vietnam has done so rather often. Yet, Oxfam GB is in a better position to hold the state accountable. This can be explained by four factors. First, the organization has worked more on political issues, such as debt relief, trade, and arm controls, engendering a stronger political and critical culture. This organization culture helps Oxfam GB stay in its comfort zone while questioning or challenging the authorities. Second, accountability is one of the human rights concepts that Oxfam GB selectively picks up and integrates in its strategic planning tools. Accountability thus become one of the three requirements for program officers in the “strategy and prioritization” planning process. That is, no matter what themes a

program officer works on, he or she must answer and plan how they are going to hold the authorities accountable. This factor contributes the most to Oxfam GB's potential to hold government accountable, compared to ActionAid Vietnam and SC Sweden who do not have such planning tools.

Third, Oxfam GB has much more concrete, focused, and measurable objectives in its work to hold the government accountable. For example, in its work on the right to sustainable livelihoods, Oxfam GB plans to hold the government accountable by making/influencing it to increase pro-poor agricultural budget by 10%, or by influencing it to create mechanisms to involve "poor men and women" in the supervision of poverty reduction programs. Finally, Oxfam GB works both in the rural and city areas, giving it sufficient information from the ground to do effective advocacy work.

Empowering the poor is another area that Oxfam GB has contributed to substantially. The organization has involved people in its development project cycles, but much less in degree, compare to that of ActionAid Vietnam. But Oxfam GB has emphasized the most important type of participation, which is to support people to claim their rights and to monitor policy and program on poverty reduction. Started in November 2001, the "Right to be Heard" program, for instance, composed of four main areas: (a) influencing the CPRGS; (b) supporting a local NGO to runs participatory training courses; (c) supporting a local NGO to provide legal services to the poor; and (d) research on the impact of the government-led grassroots democracy initiatives (Oxfam GB 2003d).

A good example is the joint work of Oxfam GB and ActionAid Vietnam on participation on water policy. When the organizations found that the irrigation system did not fully meet the needs of the people, they helped set up a people's committee. This committee is elected by water

users to develop their own policy, which better meet the needs of the people. With lobbying efforts, the local government later accepted the arrangement. In some case, the local government allowed the committee to keep one third of the irrigation fee for use by the committee (UNHCHR 2003). Oxfam GB has adopted a similar model in helping build and support civil society groups in Vietnam, including supporting farmer unions in trade negotiations, and supporting the poor to have secured access to coastal and upland resources, opportunities, and services.

Its capacity building work is carried out mostly through training and technical assistance in grassroots democracy, policy analysis, monitoring, and gender in order for the poor to participate in local decision making. Other capacity building work includes supporting partners in developing training manuals and delivering training sessions, on certain issues, such as domestic violence and women's rights.¹⁷³

Oxfam GB does not provide training sessions on human rights or RBAs for its staff members, partners, alliances, or the public. The organization does not seek to use human rights education as a tool to mobilize people, but helps build and organize civil society groups, and have their partners train the people so that they can perform particular functions. In terms of human rights awareness, Oxfam GB runs campaigns on girls' education and violence against women, and raise awareness on trafficking to women and children at risk.

Fighting non-discrimination is not a strong point of Oxfam GB. With no specific tools to identify groups of people who are most at risk of human rights violations, the five aims and SCO framework are not helpful in the target selection processes. As a result, "the poor" becomes Oxfam GB's target group. Without a map of who is being discriminated against, Oxfam GB

¹⁷³ In the work on violence against women (VAW), Oxfam works with the Women's Union, a state-sponsored mass organization. A staff notes that it is acceptable to relate VAW to any human right as long as it does not touch upon political rights. Interview, Le Kim Dung, 25 March 2004.

finds it hard to fight for them. Oxfam GB's activities in this area are limited to supporting specific groups to gain access to resources, services, and opportunities with some specificity, such as ethnic minorities and poor landless minorities.

7.5.3 Does Save the Children Sweden Change “Power Relations” in Vietnam?

SC Sweden has made some progress in creating awareness and getting children issues onto public agendas, such as inclusive education, child abuses and exploitation, and children with HIV/AIDS. This is an important step towards holding duty bearers accountable. There is SC Sweden's advocacy work to change labor laws and bring them into line with the CRC.

However, in general, SC Sweden still has limitations in holding the authorities accountable, as the organization has yet to apply many methods for that purpose. Inclusive education, for example, has been running in several provinces for over a decade, with little evidence that SC Sweden has focused on getting the government to take the responsibility. Rather it continues direct supports to two government agencies.¹⁷⁴ The organization has a long way to go in holding government accountable, including follow up and monitoring after successfully getting issues on the agenda.

Finally, being a children's rights NGO that avoids speaking explicitly about human rights and RBAs helps SC Sweden get along with others better in Vietnamese society, which does not speak of human rights. But it is not helpful reversing the relationship, making people accountable to the authorities, and not the other way round. In the other words, SC Sweden has to bring what it teaches about human rights' accountability out of training sessions and into the real world.

¹⁷⁴ The consultant evaluators of the project also do not emphasize the sustainability of the project by increasing government's accountability, and recommend for SC Sweden to continue the direct supports, arguing that this processes take time (Lindskog and Hai 2002).

Although the organization states that it deploys four working methods, only two play key roles in Vietnam: capacity building and awareness raising. Capacity building on child rights is the heart of SC Sweden's programming in Vietnam. The target groups for capacity building have been strategically chosen, focusing on partners who would continue to work with children. These includes various principal duty bearers, state, and government agencies, such as, judges, prosecutors, the police, the Ministry of Education, and the Ministry of Health, as well as aid workers, health professionals, communities, teachers, and parents.

Is this capacity building of SC Sweden empowering the people? The answer is yes and no. SC Sweden's model of capacity building in itself—learning about human rights and children rights—protect people from rights violations, deprivation, and discrimination, as well as stimulating people to claim their rights, which empowers people. However, empowering the people is not what the Classical RBA chooses to do in Vietnam and elsewhere. The primary purpose of its capacity building work for them is to strengthen the capability of parties in the implementation of the CRC, which the organization sees as its primary role, rather than empowerment in a general sense.

As part of its strategy, SC Sweden has invested heavily in human rights education (HRE). This has been one of the most crucial tools for change of the Classical RBA. SC Sweden has developed their expertise over a long period. In Vietnam, HRE, therefore, is integrated in most areas of work. Eight out of twelve programs in Vietnam contain some components of HRE. SC Sweden does not run campaigns in Vietnam, but it raises human rights awareness by organizing special events, such as the Children's Forum. It researches children's issues and disseminates information to specific target groups, such as street children.

Despite its valuable contribution of the HRE, the most important contribution of SC Sweden in Vietnam towards the change of power relations is its work in promoting equality and fighting discrimination. The human rights situational analysis and the use of concluding observations have helped the organization in identifying, prioritizing, and planning programs targeting children who are marginalized, disadvantaged, and at risk of being deprived of their rights. On education, for example, SC Sweden has developed an inclusive education program as one of the six parts of a larger framework, “creating a child friendly learning environment,” which help realizing the fulfillment of the right to education that is beyond a higher enrollment rate (SC Sweden 2002).

Children with HIV/AIDS, children with disabilities, abused and exploited children, trafficked children, and street children are some of the groups SC Sweden chooses to work with. However, it should be noted that the children groups that SC Sweden works with are mostly in cities and a few provinces where the organization is allowed to work.

Conclusion on the Roles of the Three NGOs in Changing Power Relationships in Vietnam

On Empowerment

People in Vietnam are increasingly empowered by these three NGOs. But this empowerment is still very limited to provinces where they are allowed to work. The empowerment is not in terms of human rights. In other words, people still largely do not know their human rights. People are largely empowered through participating in NGOs’ development projects, through monitoring government’s policy and programs, and through gaining access to markets, services, resources, and opportunities, but not to know that they are rights holders and that the state is supposed to respect, protect, and fulfill their rights.

Against the backdrop of these shortcomings, ActionAid Vietnam is still a long way from realizing its Popular RBA interpretation. Yet it can contribute substantially on the empowerment principle. It works mostly through involving people to participate in its own development projects and in government poverty reduction programs. Its support of right claiming is limited due to the culture of local staff that tends to serve the poor, rather than mobilizing them for activism. Both ActionAid Vietnam and Oxfam GB have taken advantage of the new Grassroots Democracy Decree, catalyzing people's participation at the local level, such as village development planning. Oxfam GB has contributed in supporting rights claiming and participation in government program, but less in participation in its own programs. Empowerment is not quite what SC Sweden aims to do in Vietnam, as its primary goal is to build capacity for the implementation of the CRC.

With regards to capacity building, Oxfam GB has shifted from traditional development assistance to policy monitoring. ActionAid Vietnam's capacity building is still focused in rural communities and on agricultural issues, such as livestock management and pest control. SC Sweden focuses directly on children rights and the CRC.

SC Sweden is the only organization among the three that conducts human rights education training sessions to a variety of groups, including government authorities, teachers, parents, children, lawyers, judges, and the police. The organization has laid crucial groundwork of a human rights culture with its focus on human rights education. Oxfam GB and ActionAid Vietnam do not do human rights education. Instead, the two ran a few campaigns in the country: girls' education and violence against women for Oxfam GB, and the catfish and HIV/AIDS campaign for ActionAid Vietnam. SC Sweden does not run campaigns in Vietnam, but it does do research and disseminates information to specific target group instead.

On Accountability

All three NGOs have difficulties holding the Vietnamese authorities accountable. Externally, the fact that their work in Vietnam can be stopped at any time, and that they have to ask for approval of program plans and location of work, leaves the three organizations with few options in holding the state accountable. Internally, holding duty bearers accountable to their human rights obligations is not what most staff have skills in. Accountability is definitely the area that the three NGOs can contribute the least. The ability of the three organizations put together is still insignificant in holding the state accountable in Vietnam, as they have not yet been successful in making the government realize their obligations in human rights.

Despite the lack of significant results in the big picture, Oxfam GB has potential to contribute more. Although the Equity RBA of Oxfam GB uses human rights instruments selectively and does not make use of a human rights analysis, it has a strong planning framework, particularly with the use of Access-Participation-Accountability matrix, resulting in a program framework that has the strongest component of accountability. ActionAid Vietnam has also strengthened accountability, but its work is limited to the village level, such as PIM and VDP. The lack of experience, weak connections on the national level, and knowledge about human rights hold back ActionAid Vietnam from moving further in this area. However, the organization is stepping up its efforts in transferring local experiences to strengthen national accountability. SC Sweden has also worked towards a more accountable government in terms of children rights. Although it has been caught between being diplomatically polite and being explicit about its belief on accountability principle, SC Sweden has gotten children issues on the public agenda, and has called on the government to take charge in the promotion and protection of children rights.

On Equality and Non-discrimination

Promoting equality and non-discrimination has been the strength of SC Sweden. The human rights analysis framework has helped the organization identify those children whose rights are at risk of being violated, discriminated against, or denied. As a result, most of SC Sweden's energy has been directed toward marginalized and disadvantaged children, including abused and exploited children, children with HIV/AIDS, children with disabilities, and street children. This area is not a strong point for Oxfam GB and ActionAid Vietnam, as both lack an analytical framework that identifies marginalized groups. However, Oxfam GB and ActionAid have supported the poor in securing accesses to resources, services, and opportunities.

Besides internal or organizational factors, an important factor that determines the roles of the three NGOs in Vietnam is the acceptability of the government. This affects the three organizations on different levels. Being diplomatic and cooperation reliant, SC Sweden is most sensitive to the government's imagined acceptability, holding the organization back from being more active and productive. ActionAid Vietnam comes in second with the image of being a handy and friendly NGO, rather than a critical one as it may be perceived elsewhere. Trust from long relationships helps all three organizations to gradually open up dialogues on new issues. Oxfam GB is the most critical among the three. It allows the government to interfere in its agenda the least. For most NGOs in Vietnam, managing the relationship with government officials is an unwritten key to success to every area, especially in areas that are more sensitive.

7.6 CHALLENGES IN IMPLEMENTATION IN VIETNAM

There have been a number of specific challenges arising during the implementation of RBAs on the ground. Four of them are summarized here. First, making partnership work for RBA is a big challenge for RBA NGOs. Many argue that partnership is one of the key changes that RBA brings to the development circle. This is because by adopting an RBA, organizations adopt a 100% complete and comprehensive goal, which increases the need to work together. For instance, an RBA adoption by NGOs working on education and literacy means they accept the human rights goals on education, which is comprehensive, covering free and compulsory primary education, adequate teacher training, competitive salary for teachers, textbooks, clean, and safe school environment with clean drinking water. All these broader and more comprehensive goals are too large for one organization, and therefore demand that NGOs coordinate and work together in partnership among themselves and with the state.

The logic sounds fine. But it is not happening in Vietnam. NGOs work independently from one another. They do sometimes compare notes, but never do they shared overall goals and then divide tasks. Rather, they have their own expertise, objectives, priorities, and working methods. ActionAid Vietnam, Oxfam GB, and SC Sweden work in 19, four and three different provinces, respectively. Projects that they have worked together on, such as the HIV/AIDS Forum are on a one-time and ad hoc basis, rather than a long-term or sustainable one.

Instead of working happily together towards one large goal as RBA theorists suggest, NGOs in Vietnam have had a rather negative experience working together. SC Sweden is not explicit about being an RBA organization with partners, avoiding possible problems from different

working methods with partners.¹⁷⁵ The organization notes that it has spent so much time discussing and identifying projects with partners. Yet, sometimes partners come up with something that the organization does not view as priorities. Work with partners has made SC Sweden's work "extremely slow."¹⁷⁶

In addition to the problems, SC Sweden has experienced special problems with partnerships, as a result of the adoption of RBA. The CRP partly creates a problem of dependency on partners, who do direct service delivery, as SC Sweden does not. The problem occurs when partners do not see the importance of CRP, or interpret it differently. This includes children's organization like Plan International, which uses a "child-focused community development" approach. Despite some similarities between the two organizations, SC Sweden disagrees with Plan's needs-based approach when it comes to implementing projects.¹⁷⁷

Oxfam GB also notes its difficulties working with partners, as the projects would not always be carried out the way it was planned.¹⁷⁸ Similarly, ActionAid Vietnam has had problems getting partners to understand RBA. It works with provincial governments, mass organization and NGOs. The most difficulty is with local NGOs, who "are like in infant stage of development and RBA."¹⁷⁹

The second challenge in working on human rights and development in Vietnam and elsewhere is to help the government find its political will to live up to its human rights obligations. This challenge put development NGOs at the same seat as human rights NGOs. An NGO staff member in Hanoi, speaking of the government about the improvement of human

¹⁷⁵ Interview, Britta Ostrom, 26 March 2004.

¹⁷⁶ Interview, Anonymous, 2004.

¹⁷⁷ Interview, Anonymous, 2004.

¹⁷⁸ Interview, Anonymous, 2004.

¹⁷⁹ Interview, Anonymous, 2004.

rights record, said: “they need capacity building, not to be shamed or blamed.”¹⁸⁰ While it is true that there is question as to the government’s capacity to implement its human rights obligations, this view has ignored a more important issue of political will needed to live up to its human rights obligations.

It is true that the Vietnamese government actually knows little about human rights and their obligations to the people. SC Sweden has organized a number of workshops to promote the understanding of human rights among government officials. Yet, some still prefer not to understand the concept of human rights obligations. A staff of SC Sweden notes that some of her trainees told her to be more polite to government officials, demanding she call them “the authorized, not duty bearers.”¹⁸¹ Another staff member of SC Sweden ran into a similar mode of thinking when he told a government official, “you are a duty bearer.” The official replied: “no, I am the authority.”¹⁸² The lesson here is that increased level of knowledge is not necessarily translated into an improvement of human rights practices. SC Sweden has provided professional human rights training sessions to officials at the Ministry of Justice on issues of juvenile justice, yet there is little improvement in the administration of justice for children. The missing factor here is the political will of the government to implement its human rights obligations.

There is little pressure being put on the government from inside the country, either from the UN, INGOs, the few local NGOs, the government-sponsor mass organizations, or state-owned press. This is not to suggest that INGOs should play the role of Amnesty International—document, mobilize people, put pressure on government to change—better known as “name-and-shame” methods—within the country. But it is to suggest that there is room for INGOs to play more of a role and to be more creative, especially for RBA NGOs who decided to take on the

¹⁸⁰ Interview, Anonymous, 2004.

¹⁸¹ Interview, Yen Nguyen, 22 March 2004.

¹⁸² Interview Dau Hoan Do, 25 March 2004.

role of political policy advocates, rather than apolitical aid workers. This, therefore, poses a challenge for NGOs in Vietnam to be more innovative in generating the government's political will, while working on capacity building. This innovation should in turn move their accountability work forward—from being stuck at an infant stage—to another level.

The third challenge is the implementation of RBA in a country where there is limited culture of people participation in the policy processes. A tradition of top-down decision-making and policy formulation is common. There is weak democratic governance. Poor and ethnic minorities are often excluded. Mobilization is often seen as a threat to the one-party state. Vietnamese NGO staff operating in Vietnam have little experience in involving people in policy dialogues, not to mention advocacy or lobbying work. The new Grassroots Democracy Decree opens up some space for participation, and access to information at the grassroots level, but these are relatively modest improvements, considering the whole political system.

The lack of a culture of participation does not only occur in the state's affairs, but also in civil society. An example is a project to promote children's participation and child rights among journalists in the child rights journalist award project. As part of the project, a committee was set up to review journalists' work that best contributed to child rights in Vietnam. The committee insists that they could work fine without children taking part as committee members. After a long effort by SC Sweden to include children as the committee members, the committee finally accepted them, but only after the committee already had drawn up the names of those they wanted to receive the award.¹⁸³

The challenge here for the three NGOs is not to directly change the political regime, but to take advantage of available space and work towards the expansion of such space, for amongst

¹⁸³ Interview, Yen Nguyen, 22 March 2004.

others, local NGOs. They need to help create a culture of participation not only in government's poverty reduction programs, but also in the society as a whole.

The fourth challenge in the implementation of an RBA is concerned with adjustments to fit into a specific context. Context here includes the political and participation culture, economical and societal environments, existing laws, rules, institutions, and human rights culture. Examples are the use of Oxfam GB's SCO framework and SC Sweden's Program Areas. Program managers must seriously take into consideration local contexts, and not simply put together a project and choose target groups to fit program priorities, or apply a ready-made universal formula to a country, as what works in one country may not work in another. To be context specific also means reprioritizing programs, finding new ways, creating new tools, and using new vehicles to achieve objectives. Only with such improvisations can the Oxford-made and Stockholm-made frameworks be of use in realizing human rights in Hanoi.

An NGO informant suggests that RBAs in Vietnam should be promoted and implemented "the Vietnamese way." Asked to describe it, the staff shares that if one sees that something should be improved, one should not shout about it. Instead, he should show the authorities a study or an analysis, with alternatives. For instance, if an NGO think that farmer tax is too high, the NGO should demonstrate why they think it is, and what an appropriate rate might be. What would be the benefits for the farmers and the government in an alternative scheme?¹⁸⁴

While this "Vietnamese way" can be useful in choosing development and public policy alternatives, it may not work well for serious human rights violations, denials, and discrimination because human rights are a minimum guarantee of human dignity that cannot be up for negotiation. For instance, it is no point to do a cost-benefit analysis, comparing option a, respecting human rights, and option b, denying human rights, as the state has obligations to

¹⁸⁴ Interview, Anonymous, 2004.

fulfill those rights at all cost. This “Vietnamese way” is not a new thought. It is rooted in old development thinking that tries to make development decisions, based on apolitical and quantified analysis, and aimed at objectively maximizing benefits to all in the society. The problem is that its equilibrium point does not always include everyone, which is why it is not the best model use in realizing human rights. In the other words, although protecting people’s rights is more costly and less cost-effective than not protecting their rights, the authorities have an obligation to protect them.

The “Vietnamese way” is an important idea as long as it means that the implementation of a strategy in a framework must be context specific. But it should not be interpreted as a shortcut, or as a way to get quick results, as political factors like building a participation culture will take time to evolve. More importantly, the Vietnamese way should not be interpreted in a way to compromise the universality and inalienability of human rights to a political regime.

7.7 CONCLUSION

The three types of RBA interpretations have been tested on the ground—as ActionAid Vietnam and its Popular RBA, Oxfam GB and its Equity RBA, and SC Sweden and its Classical RBA. They have earned important achievements. At the same time they have encountered many difficulties. These difficulties derive from the limited use of human rights analytical tools in situation analysis, planning and evaluation, target selection, and more importantly, in changing power relations through holding the state accountable, fighting discrimination, and empowerment. These difficulties held back the organizations from fully releasing energy from

their RBA interpretation and organizational dynamics. The implementation is therefore the third factor that weakens the concept of RBAs.

The three NGOs have used their situational analysis frameworks based on their RBAs. The Classical RBA's analysis framework, based on human rights assessment, proves to be more effective than the poverty analysis frameworks of Oxfam GB and ActionAid Vietnam in terms of identifying groups of people at risk of human rights violations. This framework gives SC Sweden the opportunity to work with a pool of marginalized children. However, only some of them get selected within its Program Areas. The priorities setting at Oxfam GB is largely guided by their aims and SCOs, where target groups are selected to fit its program priorities. Similarly, ActionAid Vietnam sets its priorities based on its expertise and other factors, before choosing target groups to work with. That is, the most marginalized people are not prime target groups that the three NGOs are working for, as they all have their already set their priorities, except for SC Sweden who works for some of the most marginalized children.

All three organizations have made substantial progress in applying their RBAs in planning and evaluating their work. Oxfam GB has taken important steps in integrating human rights principles into programming tools, resulting in a greater potential for strengthening the state accountability and improvement of people's access to services, resources, and opportunities. SC Sweden has developed a human rights-based planning framework and its Program Areas, focusing particularly on strengthening the capacity to implement the CRC, making it relatively easy for program staff to plan according to the local situation. ActionAid Vietnam has strengthened people involvement in the planning and evaluation processes of its own development projects, reflecting a strong belief that participation in itself is empowerment.

The three NGOs have not completely moved away from service delivery work to policy advocacy. They all increasingly engage with the national government on a variety of policy issues, a new phenomenon in Vietnam. ActionAid Vietnam has halved its direct services, although it intends to keep the other half, which help it retain influence with local governments and partners. Oxfam GB stopped its service delivery work in 2001, and instead advocates for quality of services. It has developed several advocacy projects based around trade, livelihoods and budget for social services, such as education. SC Sweden stopped its service delivery work before the other two NGOs. It has advocated for greater awareness and acceptance of several children issues, including inclusive education for children with disabilities, children's rights to voice and participate, and children with HIV/AIDS. It also advocates for the amendment of a labor law so that it complies with the CRC.

The implementation of RBAs of the three NGOs are largely effected by their own interpretation of RBA, their organizational changes—particularly change processes, and the preparation to delivery of RBA programs—particularly the development of strategies and RBA analytical, planning, and evaluation tools. ActionAid's Popular interpretation leads to strong component in empowerment and participation. The experimental change process and the lack of RBA planning tools open up opportunity to its program staff to try out different tools for change including the role changing in the grassroots level and the use of campaign at the national level. Oxfam GB's Equity interpretation leads to the work on trade and pro-poor policies in the country. Its blueprint organizational change process and the new-developed planning and evaluation tools help contribute to both the focus and progress of its RBA programs. SC Sweden's Classical interpretation steers its focus on the protection of vulnerable children in

Vietnam. The human rights situation analysis helps identify these groups of children, while its Program Areas solidify its programs in fighting inequality and discrimination.

The RBA implementation of three NGOs is greatly affected by the fact that there are limited civil and political rights in Vietnam, especially that NGOs' operations are strictly controlled by government agencies. PACCOM is one of the government's mechanisms, monitoring and "approving" NGOs projects before they are implemented. The lack of culture of participation also obstructs development process of NGOs. Similarly, there is the culture of seeing and treating government officials as "the authorities," who have the legitimacy to tell people what to do. The culture of children's participation is also weak, affecting programs of SC Sweden.

Experiences of the three NGOs with regards to partnership do not confirm the expectation that after adopting RBAs NGOs will work closer together towards shared human rights goals. Rather, NGOs work independently towards different goals, based on their organizational missions, expertise, working methods, and traditionality. They occasionally work together, but on one-time and short-term specific projects, rather a continuous long-term commitment or with shared goals and strategies. Moreover, working with partners become one of the problems development NGOs encounter after the adoption of RBAs, as they face difficulties communicating local partners they work with. Comments of Frankovits and Earle (2000) and Uvin (2004) that there is "too little cooperation" among development and human rights NGOs and that more cooperation should be taking place, is not yet realized in Vietnam. This is because there are not many human rights NGOs to cooperate with, as international human rights NGOs, such as Amnesty International, are banned in the countries, while local human rights NGOs do not exist, and some local human rights activists have become prisoners.

A power relations changing framework has been developed here to assess the work of the three NGOs. This framework consists of three RBA principles—accountability, empowerment, and equality and non-discrimination. Each principle has implications on strategies and actions.

Among the three principles, holding the state accountable is the weakest area of the three NGO, although Oxfam GB and SC Sweden have designed and used programming tools. The staff of the three NGOs also have limited experience in the work. However, there have been initiatives to put children rights issues on the public agenda and continuing work to amend a law by SC Sweden; to call for people's supervision of poverty reduction programs and the monitoring of the CPRGS by Oxfam GB, and to improve people's participation in grassroots development work on the village level by ActionAid Vietnam.

Empowerment is one area where all three organizations have made substantial gains. Empowering the people is a key facet of ActionAid Vietnam's work with its Popular RBA projects. The organization has reorganized its work to involve people's participation in its development programs. It also increasingly works to support people in claiming their rights. Oxfam GB has supported, organized, and mobilized people to have better access to the market, services, and resources, while allowing less people participation in its own development projects. SC Sweden does not aim to empower people directly, but its human rights education has empowered different popular groups in Vietnam society.

Equality and non-discrimination is the weakest area for the three organizations. Only within SC Sweden has this principle become part of its working language. That SC Sweden works in promoting equality and non-discrimination is evident in its inclusive education and juvenile justice programs, as well as in its work on HIV/AIDS for street children. ActionAid Vietnam and Oxfam GB lack human rights analysis tools to identify marginalized groups in

society. However, the two organizations do help ethnic minorities to gain access to resources and services.

The three NGOs have several challenges in turning obstacles in the implementation of RBAs into advantages. The obstacles and challenges are to work effectively in a country with little culture of participation, to be context specific in implementing RBAs, to increasingly focus on human rights principles, to advocate in a non-advocacy-friendly environment, to find effective ways to mainstream human rights and RBAs among staff members, to work with an environment of civil society, and the further development and the use of RBA programming tools.

To put all the work towards the three principles in perspective, the three NGOs, in large part, have not directly steered toward changing power relations. Without clearly aiming to change power relations, most of their work only contributes indirectly and in a limited way to changing power relations, except for some direct work with clear aims, particularly Oxfam GB's plan to improve accountability and access, ActionAid Vietnam's scaling up its people participation, and SC Sweden's work for marginalized children and on HRE for duty bearers. All in all, the power structure remains the same, as are the relationships between the state and the people—duty bearers and rights holders.

The difficulty in changing power relations tells us that RBA has not yet worked. From a full radical and paradigm-shift-liked concept of RBAs, NGOs have picked “parts” of it that most fit their organizational background and expertise. These “parts” are deconcentrated and weakened by organization processes. What is left for implementation is a relatively weak RBA package. The difficulties in implementation, as discussed in this chapter, have further weakened

the RBA concepts. The final work of the three NGOs in Vietnam is a very weak RBA, closer to a product of a seasoning-shift-in concept, rather than the paradigm-shift-like concept.

Having assessed how compromising in implementation can weaken the concept of RBA, we will now put all findings in a larger context in the next chapter. Four RBA paradoxes, arising during the implementation, are identified in this last chapter.

CHAPTER 8

CONCLUSIONS AND PARADOXES

This chapter sums up the findings of this research and discusses emerging issues in the adoption of RBAs. The first section summarizes key findings of this research, including factors influencing the adoption of RBAs, and how a new paradigm-shift concept like a human rights-based approach became weakened and devalued into an add-on instrument of traditional development through the three-step process of the interpretation of RBAs, organizational changes, and the implementation of RBAs.

From the second section onwards, discussions focus on four RBA paradoxes, which lead to dilemmas and challenges in future RBA implementation. The second section looks into the paradox of the use of human rights language in non-human-rights-friendly countries. On the one hand, human rights language gives development NGOs legitimacy and a moral and legal ground. On the other hand, the language can irritate repressive governments, resulting in the closing of the door to good relationships and productive cooperation. The third section discusses the omnipresent paradox of RBAs, as there are increasing claims that many development NGOs adopt RBAs, regardless of whether they actually do or not. The positive side is that there is increasing interest in joining the RBA movement, which may result in an increased use of RBA tools. However, a negative side of such claims is that to be an RBA organization without adopting key human rights principles may weaken the RBA movement as a whole. The fourth section discusses the dilemma of issue choosing. The choice of working on sensitive issues may get to crucial problems, but it may hurt the NGO-government relationship. The choice of

working on non-sensitive issues can maintain good relations with government, but it may not solve key development problems in the country. The fifth section analyzes the co-operational and confrontational approaches in terms of changing power relations. The co-operational approach of RBAs, as opposed to a confrontational approach of human rights NGOs—such as the naming and shaming approach, can be a key vehicle to a productive engagement between RBA NGOs and governments, but the question remains: Can RBA NGOs stop human rights violations with the co-operational approach? Can they change power relations between the poor and the government with this approach? The last section assesses what they all mean to the development enterprises.

8.1 CONCLUSIONS OF THE RESEARCH FINDINGS

8.1.1 Factors Influencing the Adoption of RBA

As stated in the literature review, there has been an increasing amount of writing on why development NGOs *should adopt* an RBA, but a gap remains in answering why development NGOs *actually adopt* or do not adopt RBAs. This research answers parts of these questions by testing possible factors that may affect the behavior of RBA adoption. The test is aimed primarily to identify risk factors of RBA adoption. A set of samples is drawn from the top 30 NGOs in terms of total annual incomes, which can partially demonstrate the level of influence of NGOs.

Fifteen factors are measured to test their relationship with the adoption of an RBA. These factors are categorized into six groups: (1) percentage of annual revenue from governments; (2)

number of NGO members in the family; (3) country associated (country where the NGO was founded and country in which the central office is located); (4) religious association; (5) working methods (work on advocacy, work on empowerment, work on campaigns, work with the UN); (6) issue areas of work (work on IFIs; work on HIV/AIDS; work on women's issues; work on children's issues; and work on trade, debt, or aid).

The finding from the logistic regression analysis is that there are seven risk factors to RBA adoption. These include two negative risk factors: countries where NGOs were founded and religious association. These two factors increase the risk of not adopting an RBA to 9 and 3.28 times, compared with the group that does not have such factors. The other five factors that have positive relationships with RBA adoption are: (1) government funding (16-40%); (2) NGO member (6 – 15); (3) work on advocacy; (4) work on campaigns; and (5) work on trade, debt, and aid. The risk ratios are 8.889, 6.333, 40, 63, and 9 times, respectively.

This means that, first, NGOs that receive a medium amount of funding from governments (16-40%) are more likely to adopt RBAs than NGOs that receive government funds over 40% or less than 16%. The chance of finding NGOs receiving the medium amount of funding from government and adopting RBA is 8.8 times higher than the chance of finding NGOs receiving higher or lower amount and adopting RBAs. This contradicts the notion that the more NGOs receive money from the government, the less they are going to adopt RBAs, and to a further extent, the less they are going to work against it.

Second, NGOs that have between six to fifteen family members are more likely to adopt RBAs than those having more than fifteen or less than six family members. The chance of finding NGOs with medium family size that adopt RBA is 6.3 times higher than the chance of finding NGO with large or small family size that adopt RBAs. This means that size does matter.

Medium-sized NGOs adopt RBAs more than other groups as they are small enough to be flexible when adopting a new approach, and large enough to have different views and dynamics within families. Small-sized NGOs have the flexibility to adopt RBAs, but tend not to due to being a religious association and being founded and based in the US.

Third, the chance of finding NGOs that use advocacy as a working method that then adopts an RBA is forty times higher than the chance of finding those that do not use advocacy and adopt RBAs. Fourth, the chance of finding NGOs that use campaigns as a working method and adopt an RBA is 63 times higher than those that do not use campaigns and adopt an RBA. Finally, the chance of finding NGOs that work on trade, debt, and aid that adopt RBAS is nine times higher than those that do not work on the issues and adopt RBAs. This says that advocacy, campaign, and trade, debt, and aid—as an issue area are bridges to human rights spheres of development NGOs.

The test of correlations shows that seven factors, in addition to the risk factors mentioned above, have significant negative and positive relations with the adoption of RBAs. The factors that have negative relationships with the adoption of an RBA are the US as the country where the NGO central office is located, the percentage of government funding (less than 15%) and the NGO family size of less than five members. The factors that have positive relationships with the adoption of RBAs are: the UK and Belgium as the countries where NGO central offices are located in, work on IFIs, and work on HIV/AIDS.

8.1.2 The Interpretation of RBAs

Development agencies increasingly claim that they too are rights-based organizations, or their development work too contributes to human rights. This research examines their claims by assessing their human rights-related development framework against four indicators: development goals, development processes, development programming, and use of human rights instruments. As a result, an RRA is one of the four types of interpretations of the relationship between human rights and development. The four types of conceptual frameworks of the interconnection of human rights and development have been identified. First, the “Apolitical Assistance” type sees that human rights and development goals and processes are different. Human rights and development are in separated spheres and have little to do with each other, although parts of civil and political rights can contribute to development. This first type rarely uses international human rights instruments. Examples of this group are the World Bank, Asian Development Bank, and AUSAID.

Second, “Democratic Governance” sees that human rights and development have different goals. Some human rights tools are used in development programs, emphasizing civil and political rights, election mechanisms as key political participation, and democratic institution building. Like the first type, Democratic Governance does not use or refer to international human rights standards and instruments. Examples of this group are USAID, CIDA, and JICA.

The third type is the Caesar’s Salad. Development agencies of this type hold that human rights and development have shared goals. Some human rights principles are applied in development programs, although the use of international human rights instruments is still

limited. This group tends to add new concepts to its previous ones and tries to mix them together. Examples of this group are UNDP, SIDA, and the EU.

The last type—RBA—believes that human rights and development goals are largely the same goals. Organizations in this group apply a variety of human rights principles and tools in their development work. Human rights consist of civil and political rights and economic, social, and cultural rights. They make reference to international human rights standards and use some instruments. Examples of this group are DFID, CARE, and ActionAid.

Within the same RBA type, NGOs interpret RBAs differently in important ways, resulting in a variety of policies, strategies, and programming. More importantly they interpret the concept of RBAs in ways to fit their organizational background and expertise, rather than trying to capture a full meaning of what an RBA could mean. Three variants of RBA are identified: the Popular RBA, the Equity RBA, and the Classical RBA of ActionAid UK, Oxfam GB, and SC Sweden, respectively. This means that although it seems that there is consensus of what an RBA should mean at international forums and conferences, in reality development NGOs interpret the concept of RBA differently in important elements.

The three types of RBAs distinguish themselves in conceptual frameworks, policies and strategies, and the use of international human rights standards. ActionAid interpretation leads to the “Popular RBA,” featuring a local-to-global analysis, strong empowerment of the poor and the marginalized, the “add-on” human rights principles in programming, “local-up” advocacy, and a limited use of international human rights instruments. The Popular RBA addresses power relations from the local upward by strengthening people’s capacity at the grassroots level, particularly by understanding and claiming their rights.

Oxfam GB's interpretation forms the "Equity RBA," featuring a selective use of human rights norms and instruments to legitimize and mobilize people and resources in challenging power relations at the global level with its global campaigns. In direct contrast to ActionAid, Oxfam GB has a global-to-local analytical framework. Oxfam's brand also features its five Aims, based on international human rights norms and linking together three types of intervention. Campaigning is a key advocacy tool for the Equity RBA, especially at the global level, where Oxfam GB has been more effective, compared with the local level.

Save the Children Sweden introduces the "Classical RBA," featuring a comprehensive use of international human rights norms and instruments. It states its goals within a human rights framework, compared to a poverty framework of the Popular and Equity RBAs. It deploys a variety of human rights and development tools in strengthening the protection and promotion of children's rights within the framework of its Program Areas. Advocacy work is a key tool both on the international and national levels, although grassroots work has been limited.

The finding of these three types of RBA interpretations tells us that that the international community agrees upon one type of interpretation—the original and ESCR-oriented interpretation of the HRCA—is not true. This ESCR type of RBA interpretation, as discussed in chapter 2, is not comfortably adopted by relief and development NGOs. In fact, development NGOs praise it, but do not actually adopt it. This is not because of human rights frameworks or principles, but rather because of the many implications that come with the adoption of an ESCR framework involve working methods, tools, and expertise that are outside the comfort zone of development NGOs, such as monitoring of laws, policies, and practices that are against international standards, addressing discriminations, and the use of respect-protect-fulfill to analyze situations on the ground. The HRCA interpretation of RBAs also has a downside, that is,

it uses international human rights standards as the starting point of RBAs, and not NGOs' existing programs, expertise, and working methods. As a consequence, while development NGOs endorse the HRCA RBA—because of its compelling and logical interpretation of the ICESCR—they do not intent to do everything they give a nod to, as they have to start from existing organization working methods, culture, and traditionality.

The 2000 Stockholm workshop, which Frankovits and Earle facilitated, was a good example. Although the workshop concluded in the first recommendation “that ESCR should be an integral part of any human rights approach” (Frankovits and Earle 2000), this is not happening among development NGOs that adopt RBAs, including the three models of RBAs. Similarly, other recommendations that get the nod, but on which no action is taken are: “Violation of economic, social, and cultural rights should guide programming” (Frankovits and Earle 2000, 22). This is rarely practiced by development NGOs, and none of the three NGOs use violations of ESCR to guide their programs. An interesting note is that while a violations approach was a recommendation from the workshop, most development NGOs, never be willing to take such a confrontational approach, are instead in favor of a co-operational approach without the emphasis on violations. Finally, a recommendation reads: “Development actors should use the General Comments and Concluding Observations of all the UN human rights treaty bodies and the reports of the Special Rapporteurs” (Frankovits and Earle 2000, 8). Among the three NGOs studied, only the Classical RBA has made use of these international human rights instruments.

In sum, the Popular, the Equity, and the Classical RBAs do not follow the early version of RBA interpretation by the HRCA, which is largely operationalizing ESCR. The closest to an ESCR-oriented RBA is the Classical RBA of Save the Children Sweden, which use international human rights framework, standards, and principles as the foundation of the interpretative

conceptions—although Save the Children Sweden emphasizes the CRC, while the HRCA emphasizes the ICESCR. However, the HRCA interpretation receives warm welcome from the development community for its compelling, provoking, and ideal interpretation. Yet, development NGOs do not actually adopt the ESCR version of RBA, but develop its own conceptual framework, based on organizational expertise, existing missions and working methods, and organizational traditionality.

The Popular, the Equity, and the Classical RBAs can be seen as results of the struggles for what the ESCR-oriented RBA could not offer. The three RBAs show us that theoretically one can build up an RBA framework based on international human rights laws alone, but the three models of RBA show us that NGOs do not adopt all aspects of RBAs, rather they choose some of the concepts, standards, and principles that can best fit, sharpen, and improve the work, in which they already have expertise, working methods, tools, and mandates. ActionAid's long time engagement with people at the grassroots level conforms to the Popular RBA, emphasizing empowerment of the poor. Oxfam GB's long experience in campaigns on structural inequality at the international level leads to the Equity RBA interpretation, which strategically uses human rights to legitimize and mobilize its campaigns, and create the five Aims to strengthen coherence of development work at the country level. Save the Children Sweden's engagement with international children's rights standards help formulate the Classical RBA, characterizing by the use of a variety of international human rights principles and instruments in strengthening the promotion and protection of children rights at the national level.

RBA and Partnership

It is assumed that by adopting an RBA, an NGO adopts a set of human rights goals, which are ambitious and comprehensive. These goals are simply too large for any one organization to accomplish all by itself. Everyone has to work together toward these same human rights goal, resulting in greater partnership. Others argue that RBA brings greater partnership because an RBA would trigger solidarity among NGOs and generate choices of new partners. This research finds that these arguments for greater partnership are not true. In practice, NGOs work to achieve their own goals, not a set of shared human rights goals. They may work together on projects, mostly short-term and one-time events. But NGOs that adopt RBAs run into problems clarifying their version of RBA, causing confusion among partners. Despite its necessity, working with partners proves to be a disconcerting experience. “Too much time spent,” “too slow” and “not going according to plan” are some of the reflections of working with partners.

Partnership and relationship with stakeholders is a key area where interpretation of an RBA leads to different outcomes. The Popular, the Equity, and Classical RBAs all agree that RBA adoption creates greater needs for partnerships, and with more of a variety of partners, including human rights groups. A more controversial interpretation is whether an RBA means more cooperation or confrontation with governments. When faced with a clear-cut challenge to take sides, ActionAid takes a strong stand on the side of the poor and chooses to confront with governments when necessary. The Equity RBA acknowledges unequal power relationships. With more experience working on political issues, Oxfam GB aims to address power relation issues and confront governments and international institutions at the global level through its global campaigns. The Classical RBA is of a view that the merit of cooperation and confrontation is not absolute, but a relative one. It finds that constructive cooperation can accelerate the progress

towards the realization of children's rights, while confrontation can be appropriate to address certain policies and practices that undermine human rights.

8.1.3 RBA and Organizational Change

The second step of a process that results in a weakening concept of RBAs is the organization dynamics of NGOs. The three case studies show us that none of the cases underwent a transformative organizational change, which the concept of RBA would require. Only Save the Children Sweden manages to produce a transitional organizational change, using new working methods to replace traditional child relief work. The other two cases—Oxfam GB and ActionAid UK—only produce a development change, aiming to improve the same working methods.

Organizational process is an important part in understanding an RBA adoption. This research finds that NGOs attempt to make organizational changes from the top level, in terms of vision and mission statement, to the operational level on the ground. But these changes are insufficient to deliver the full spectrum of an RBA meaning. More importantly, these changes are aimed to improve effectiveness within the same way of working, rather than changing the way of working, as a transformational change would suggest. While organization process helps turn some human rights principles into practice, this process has diluted the strength of the RBA concept, as it left out some human rights principles such as non-discrimination. NGO families play important roles in accelerating and slowing down efforts toward becoming a rights-based NGO.

In greater detail, the findings of organizational change in the context of the adoption of RBAs can be summarized as follows.

First, organizational changes in the context of the adoption of RBAs are managed anarchy. It is neither planned changes nor chaotic changes alone, but a mixture of the two. In all three cases, each NGO has done some planning for organizational changes, particularly from the headquarters, including making changes in visions and missions to reflect their beliefs and development framework. But the planned changes at the headquarters quickly turned out to be rather chaotic at country offices where the scheme used is to organize the anarchy and keep it at an acceptable level. Oxfam GB was the least chaotic and with the most limited changes that it actually planned to make for its Popular RBA. SC Sweden was devoid of the leadership to properly plan and manage organizational change towards its Classical RBA. The task of mainstreaming RBA is left to the mid-management who relies on cooperation with other staff, resulting in a step-by-step approach. ActionAid UK in contrast has mostly used the “science of muddling through” (Lindblom, 1959). Its decentralized structure with weak central change plans leads to a situation where staff can experiment in a variety of ways, resulting in a loss of focus in its Popular RBA. Despite the variation of anarchy of the three NGOs, the conclusion on organizational change of this study confirms the findings of DiBella (1992) that organizational change of NGOs is closer to “organized anarchy” than “planned change.”

Second, organizational transformation has not been the type of organizational change experienced in the context of an RBA adoption, but rather it has been organizational development and organizational transition. Transformational change refers to total and radical change, involving a completely new context and configuration of behaviors, roles, attitudes, motives, beliefs, and values. Transitional change refers to a less radical organizational change that evolves slowly through many transitional steps during which the organization is neither what it once was nor what it aims to be, and similar to transformational change, seeking to replace

ways of doing things. Developmental change refers to the most minor change, aimed to improve skills, methods and other conditions in order to meet current expectation, and not to change the ways of doing things. None of the three organizations has experienced anything close to a transformational change. Although there has been no plan to radically change these organizations, the roles of staff, attitudes, beliefs, or values, there has been an attempt to integrate human rights values into the systems, but with no concrete or systematic plan.

Organizational changes within SC Sweden are closer to transitional change than the other two types of change. Although its step-by-step approach evolved the organization slowly, it has changed the foundation of its roles and its work. This has resulted in changes of ways that SC Sweden makes intervention in its development work, from direct assistance for poor children to working to protect children's rights through several means, including advocacy and research. In over a decade, SC Sweden changed from a community development organization in the 1980s to a children's rights organization. The Classical RBA interpretation plays important parts in going beyond the superficial use of human rights concepts to include international human rights standards, mechanisms, and principles in this new development framework. Among the three NGOs, Save the Children Sweden has changed its organization most significantly—a transitional change—although its Classical RBA seems to suggest for a transformational one.

Oxfam GB's organizational changes are the least among the three NGOs. The organization never wanted to go beyond a developmental change from the start. Its Equity RBA leads the organization to use human rights concepts and principles selectively and strategically. The Equity RBA of Oxfam GB is, in essence, not a human rights-based development framework, but a tool with a social justice development framework. It aims primarily to improve Oxfam GB's coherence, effectiveness, and ability to leverage for change. Organizational changes are

therefore limited to an improvement mode with some “do more of” what already exists. Among the three NGOs, Oxfam GB is the only organization that can deliver the organizational changes that are required by its own RBA interpretation. That is, Oxfam GB’s organizational change in the context of the adoption of RBA is developmental change as its Populist RBA suggest.

ActionAid’s organizational change has been limited to development change, despite its willingness to go further. The Popular RBA suggests a rather radical organizational change, including a totally new configuration of roles, values, attitudes, and motivation in empowering the poor to claim their rights. The organization has goodwill and the intention to “doing things differently.” But organizationally, it has not been able to arrange itself to move beyond the use of human rights principles for the improvement of its traditional approach to development work. Combined with the “add-on” and “experimental” approach, ActionAid’s organizational change in the context the adoption of an RBA is limited to developmental change, rather than a transformational change as its Popular interpretation would suggest.

Third, by using Nadler and Tushman’s typology of change, it is found that SC Sweden’s change is of a “reorientation,” while Oxfam GB and ActionAid UK’s changes are of “tuning.” Although there have been increasing questions about NGOs’ effectiveness and accountability, the adoption of RBAs took place when there was no immediate requirement to change. The three NGOs adopted RBAs while seeking to find better ways of achieving their strategic visions. There was no time-pressure factor. They all have taken their times in going through their change processes, and therefore are categorized in the anticipation group.

The vision of the leadership was a key factor in the adoption of an RBA by SC Sweden. It has, over a decade, created its own Classical RBA, using international human rights standards as its development framework and adopting the CRC as the foundation document of the

organization. With this interpretation, it has gone further than the other two NGOs in a fundamental redefining of its strategies, roles, and values. SC Sweden has sought not only to “do things better”—which the other two organizations largely do—but also to “do things differently.” This makes SC Sweden’s organizational change a “reorientation” change.

Both Oxfam GB and ActionAid UK adopted their RBAs as a result of strategy reviews in the second half of the 1990s. The adoptions were largely for strategic reasons, aiming to improve the results of their work without completely changing the ways they had worked. Despite its SCOs stated in human rights terms, Oxfam GB has not moved beyond its tradition social justice development framework. The Equity RBA is a process of adapting, modifying, and emphasizing certain aspects of work—such as campaigning and media work—not an attempt to work completely differently or to move itself into a new category of development NGOs. Similarly, while Oxfam GB has quickly grasped RBA values, built its own Equity RBA model, and incorporated RBA values to strengthen its campaign orientation and its advantage of global leverage, ActionAid UK has been conducting a number of multi-directional experiments, resulting in slow progress in grasping RBA concepts and tools to strengthen its grassroots work. In sum, organizational changes resulting from the Equity and Popular RBAs are “incremental.” They seek mostly to improve their development work by “strategic use” and by “adding on” to their existing work, and not to produce a new product.

Fourth, the change process of NGOs that adopt RBAs is non-linear. This is largely because the organizational change in the context of the adoption of RBA is not quite a planned change, rather it is a managed anarchy, resulting from the complexity and ambiguity of the concepts of RBA. With these limitations, none of the three NGOs create a fixed master plan of organizational change, but instead, played it safe and kept it flexible by taking time in deploying

the experimental, the blueprint, and the step-by-step approaches to mainstream their RBAs into their organizations.

Fifth, NGOs' staff is not trained to deliver RBA programs. The tendency is that they have limited knowledge about human rights and RBAs, especially country offices' local staff in rural areas. The three cases of NGOs confirm that RBA interpretative frameworks and organizational change processes do have an effect on: the needs for new skills and knowledge on human rights and RBA; the pressure put towards staff; and the resistance from staff, which in turn affects the success of the RBA adoptions.

ActionAid has experienced dramatic changes with a number of development staff leaving the organization. In response to the requirement of the Popular RBA framework that its staff have good knowledge and skills of human rights and RBAs in order to help people be aware and claim their rights, ActionAid UK develops a clear policy to recruit new staff with a human rights background. While this policy is not applicable to some country offices, such as Vietnam, it pressures staff in some national offices into leaving the organization. The two groups of staff—the new human rights background and the old development background are yet to be integrated. In addition, some staff in rural areas are ignorant of its RBA. In contrast to ActionAid, Oxfam GB neither has staff leaving due to the adoption of an RBA, nor does it have a policy to recruit new staff with a human rights background. This is due to the Equity RBA framework, as it does not consist of a strong human rights component, pressuring for the new human rights skills from staff. The integration of selected human rights principles into goals, objectives, and especially program management tools helps reduce the sharp need for new skills and increase positive acceptance of the new approach, as it leads to more relevance and effective programs. In addition, the not-too-strong push on the RBA by the management reduces staff's resistance and

increases their positive attitude towards the new approach. SC Sweden's Classical interpretation framework demands strong human rights knowledge from its staff. But the organization can cope with the demand of its interpretation well, as it has continuously built its staff capacity on international human rights laws over the decade without pushing or pressuring staff. The soft-sell and step-by-step approach, which expanded over a decade has softened this pressure, especially on staff with development backgrounds. The step-by-step approach also allows the new staff with human rights backgrounds and old staff with development backgrounds to integrate among one another well.

Sixth, the interactions of NGOs with their families regarding the adoption of RBA help us draw three conclusions. First, *NGOs* families have limited influence on an RBA adoption of individual NGOs. Large and influential NGOs like ActionAid UK, Oxfam GB, and SC Sweden have interests in adopting RBAs due to their own causes, and not because of the family. On the contrary, the three NGOs are rather influential in turning their family into RBA families. Second, NGO families can give positive reinforcement for the adoption of an RBA by family members. A strong RBA alliance can strengthen the commitment to RBA of its members, such as the case of OI and Oxfam Hong Kong. Third, a joint RBA strategic paper is a key factor in mainstreaming RBA within a family. Without a joint strategic paper, an NGO family tends to have difficulties promoting the RBA within the alliance. On the contrary, an NGO family that has a joint RBA strategy can move forward much faster in implementing its RBA development policy.

Finally, training workshops on human rights and RBAs as an organizational learning tool prove to be useful, but have limitations and are far from sufficient in solving the problem of a lack of knowledge about working on human rights and RBAs. For many development NGOs, most training workshops are one-time events where participants are expected to learn about

human rights concepts and RBA tools, and then to go to their countries or rural areas, and start to articulate and develop RBA projects. A long-term, two-way, and on-going learning approach is needed for RBA NGOs, including Oxfam GB, which does not use training on human rights and RBA for their staff and partners.

8.1.4 The Implementation of RBAs

RBA implementation is found to be another process that weakens and softens the radical concept of RBAs. Development NGOs adapt and compromise their implementation in order to receive acceptance and cooperation with the government at the country level. This research examines the hypotheses in regards to the implementation of RBAs by using the case of the three NGOs in Vietnam. Since the late 1980s, these three NGOs have worked in the country, and from the late 1990s, ActionAid Vietnam, Oxfam GB, and SC Sweden started their Popular RBA, Equity RBA, and Classical RBA, respectively. They have earned important achievements. At the same time they have encountered many difficulties. Yet, several lessons can be drawn from these experiences.

The three NGOs conducted situational analyses based on their RBAs. The Classical RBA's analysis framework, based heavily on human rights assessment, proves to be more effective than the poverty analysis frameworks of Oxfam GB and ACTIONAID in terms of identifying groups of the vulnerable, the marginalized, and people at risk of human rights violations. This is to say, in practice, NGOs conduct little human rights situation analysis. Rather they practice traditional situation assessment for development projects. In Vietnam, only SC Sweden uses some thematic human rights-situation analysis. This limited use of human rights

analysis is due to the complexity and comprehensive nature of human rights analysis. A human rights situation analysis requires a good knowledge of human rights and human rights-based approach to assess the situation on the ground with human rights lens. This capacity is yet to be built by staff of the three NGOs, especially that of Oxfam GB and ActionAid UK.

For SC Sweden, the Classical RBA analysis framework gives the organization the opportunity to work with a pool of marginalized children. However, only some of them get selected within its Program Areas. In priority setting, Oxfam GB is largely guided by its five Aims and SCOs, where target groups are selected to fit program priorities. Similarly, ActionAid Vietnam sets its priorities based on its expertise and other factors, before choosing target groups to work with. That is, the most marginalized people are not prime target groups that the three NGOs are working for, as they all have their already set priorities, except for SC Sweden who works for some of the most marginalized children.

All three organizations have made substantial progress in applying their RBAs in planning and evaluating their work. Oxfam GB has taken important steps in integrating human rights principles into its program tools, resulting in a greater potential for strengthening state accountability and improvement of people's access to services, resources, and opportunities. SC Sweden has developed a human rights-based planning framework and its Program Areas, focusing particularly on strengthening capacity to implement the CRC, making it relatively easy for program staff to plan according to local situations. ActionAid Vietnam has strengthened people's involvement in the planning and evaluation process of its own development projects, reflecting a strong belief that participation in itself is empowerment.

The three NGOs in Vietnam, however, have not completely moved away from service delivery to policy advocacy, although they all increasingly engage with the national government

on a variety of policy issues. This is a new phenomenon in the country. ActionAid Vietnam has halved its direct services, although it intends to keep the other half, helping it retain influence over local governments and partners. Oxfam GB ceased its service delivery work in 2001, and instead advocates for quality of services. It has developed several advocacy projects focusing on trade, livelihoods, and budget for social services, such as education. SC Sweden stopped its service delivery work before the other two NGOs. It has advocated for greater awareness and acceptance of several children issues, including inclusive education for children with disabilities, children's right to voice and participate, and children with HIV/AIDS. It also advocates for the amendment of a labor law so that it complies with the CRC.

The implementation of RBAs of the three NGOs are largely affected by their own interpretation of RBAs, their organizational changes—particularly change processes, and the preparation for delivery of RBA programs—particularly the development of strategies and RBA analytical, planning, and evaluation tools. ActionAid's Popular RBA interpretation leads to work with a strong component of empowerment and participation of the people. The experimental change process and the lack of RBA planning tools open up an opportunity for its program staff to try out different tools for change, including changes of roles in the grassroots level and the use of campaigns at the national level. Oxfam GB's Equity RBA interpretation leads to the focus on the improvement of social services, trade, and pro-poor policies in the country. Its blueprint organizational change process and the new-developed planning and evaluation tools help contribute to both the focus and progress of its RBA programs. SC Sweden's Classical interpretation steers its focus towards the protection of vulnerable children in Vietnam. The human rights situation analysis helps identify these children's groups, while its Program Areas solidify its projects in fighting inequality and discrimination.

The RBA implementation of these three NGOs in Vietnam is greatly restricted by limitations of civil and political rights, especially in terms of the operations of these NGOs, which are strictly controlled by government agencies. PACCOM is a government mechanism that both monitors and “approves” NGO projects before they are implemented. The new “Grassroots Democracy Decree” has legitimized people’s participation at the local level, although it still has limitations in several dimensions in practice, and it has had little impact on people’s participation in national policies. The lack of a participation culture obstructs the development process of NGOs. People still see government officials as “the authorities” to whom they should show respect and do what they are told, rather than ones who are obliged to fulfill their human rights. The culture of children’s participation is also weak, affecting programs of SC Sweden.

In practice, partnership, as experienced by the three NGOs, does not confirm the expectation that after adopting RBAs NGOs will work more closely together towards shared human rights goals. Rather, NGOs work independently towards different goals, based on their organizational missions, expertise, working methods, and traditionality. They occasionally work together mostly on one-time and short-term specific projects, rather than a continuous, long-term commitment, or with shared goals and strategies. Moreover, working with partners becomes one of the problems development NGOs encounter after the adoption of RBAs. They face difficulties communicating with local partners they are working with. There are also no human rights NGOs for international development NGOs to work with in the country.

A framework of the change in power relations has been developed in Chapter 7 to assess the work of the three NGOs. This framework consists of three RBA principles—accountability, empowerment, and equality and non-discrimination. Each principle has implications on

strategies and actions. Among the three principles, holding the state accountable is the weakest area of the three NGOs. Although Oxfam GB and Save the Children Sweden have designed and used programming tools, holding the state accountable proves to be an area of great difficulty for development NGOs. The staff of the three NGOs also has limited experience in the work. However, there have been initiatives to put children rights issues on the public agenda and continuing work to amend laws by SC Sweden; to call for people's supervision of poverty reduction programs and the monitoring of the CPRGS by Oxfam GB; and to improve people's participation in grassroots development work on the village level by ActionAid Vietnam.

Empowerment is the area where all three organizations have made substantial gains. Empowering the people is a key facet of ActionAid Vietnam's work with its Popular RBA projects. The organization has substantially reorganized its work to involve people's participation in the development process. However, its work to support people in claiming their rights is still limited, due to its organizational culture of serving people and of being less critical and political, as well as the limited knowledge of human rights and RBAs. Oxfam GB has supported, organized, and mobilized people to have better access to the market, services, and resources, while allowing less people participation in its own development projects. SC Sweden does not aim to empower people directly, but its human rights education has helped empower different groups in Vietnamese society. Putting it all together, participation is the RBA instrument that is most used by the three NGOs, followed by the process of organizing and mobilizing people to have better access to services and resources, as a part of the scheme to support people to claim their rights.

Finally, equality and non-discrimination is a weak area for the three organizations. It receives limited attention in terms of operationalizing the principle into development programs.

Only SC Sweden has managed to transform this principle into its working language. Its work in promoting equality and non-discrimination is evident in its inclusive education and juvenile justice programs, as well as in its work on HIV/AIDS for street children. ActionAid Vietnam and Oxfam GB lack tools for human rights analysis to identify marginalized groups of people who are discriminated against in society. However, the two organizations help ethnic minorities gain access to resources and services.

In sum, the three NGOs have not directly steered their work towards changing power relations, resulting in very limited changes in the power relationships between the Vietnamese government and the Vietnamese. The three NGOs have helped the poor, improved many aspects of their lives, given them better access to education, healthcare, market, resources and services, but their work still has limited impacts, in terms of setting up legal, political, or social guarantees of those human rights. There has been even less impact on changing power relationships, or the structure of inequality in the country. Government officials are still “the authorities,” rather than “duty bearers,” as international human rights laws affirm. Without clearly aiming to change power relations, or establishing legal, political, and social guarantee of rights, most of the work of the three NGOs only contributes indirectly and in a limited way to changing power relations, except for some direct work with clear aims, particularly Oxfam GB’s plan to improve accountability and access, ActionAid Vietnam’s scaling up its people participation, and SC Sweden’s work for marginalized children and on HRE for duty bearers.

8.2 THE HUMAN RIGHTS LANGUAGE PARADOX: LEGITIMACY THAT COMES WITH PROBLEMS?

The human rights language that comes with RBAs has become a paradox in the implementation of RBAs in developing countries. On the one hand, human rights language gives development NGOs legitimacy they need to refer to governments' human rights obligations. On the other hand, it makes things more difficult for development NGOs, as human rights are not goals, framework, nor development strategies of most developing countries. Moreover, a demand for rights is not usually what governments want to hear from NGOs.

In repressive regimes, human rights language often becomes a minority language, raising people's eyebrows rather than serving as magic words that bring about positive change. More and more development practitioners now ask: Can and should we do a rights-based approach without saying that it is a rights-based approach, or without referring to human rights?¹⁸⁵ Supporters of a "non-human rights language RBA" argue that doing it in this way—using human rights frameworks and principles in all parts of development processes without referring to human rights—achieves the same results of an RBA, while helping reduce frictions with the authorities. Less friction means more likelihood of success of programs. In addition, not many people—whether they be government officials, development NGOs, or the people—understand how to turn human rights language in development into practice. Non-supporters, on the other hand, argue that doing an RBA without stating it explicitly reduces legitimacy and power that comes with human rights, particularly state obligations, as Sidoti and Frankovits

¹⁸⁵ From time to time, this question has been asked, starting debates within and outside the Practitioners Forum on Human Rights and Development, organized by the Office of the High Commissioner for Human Rights, Asia Pacific.

(1995) point out. Acknowledging there might be possible irritation of the authorities, this group believes that the use of human rights language will be of more benefit in the long run, as it repeatedly calls for responsibility from the authorities and strengthens the culture of accountability, which otherwise would not be cultivated.

The emergence of a “non-human rights language RBA” debate reflects frustration and the sense of risks resulting from speaking human rights language, particularly in countries run by relatively repressive governments. This is especially true for cases where the authorities, who are not positively disposed to the obligations that comes with the language. This reminds us of Swift (1999)’s argument that for an RBA to be a successful approach, one of the four conditions that have to be met is that human rights has to be fundamental and universal. In the case of Vietnam, it is true that the lack of a human rights culture does to a certain degree alienate human rights language, and turns what seems to be normal human rights-endorsing statements in the western world into slightly more aggressive or somewhat challenging statements for repressive governments. The human rights language does make it more difficult to work with the Vietnamese government. This leads development NGOs in Vietnam to at least three choices: first, postpone the RBA development policies and programs in the country until it positively changes its human rights culture; second, continue implementing RBA development policies and programs but without or little referring to human rights, unless necessary; and third, continue to implement RBA development policies and programs, using human rights language explicitly, and applying additional tools to manage and strengthen the relationship with the government.

The human rights language paradox of RBAs is a big problem that still receives little attention. A few strategies and actions to improve the situation include: first, a large-scale human rights education in prioritized sectors in the country. This does not refer to workshops

introducing human rights to some 15 to 25 participants at a time. Rather, it means the development of national human rights education plans, covering formal and informal education, and including curriculum development that take into consideration local culture and contexts, and trainings of trainers. Second, donors have a key role to play in creating a human rights culture in a country. Human rights education is a “promotional” side of human rights work, involving less confrontation, compared to the “violation” side. The declaration of the UN Decade of Human Rights Education legitimizes this area of work, enabling donors to more easily step in and set up national HRE strategies and plans. Third, regional human rights bodies can help lessen the human rights language paradox. Mainstreaming human rights education in their member countries is a priority area that most countries welcome, as it normally does not entail exposure of human rights violations. However, there is a great difference in the progress of regional human rights institutions. For example, the European human rights mechanisms have developed human rights courts, while the establishment of ASEAN human rights mechanisms has limited progress. Finally, development NGOs need to create lobbyists and advocacy strategies targeting southern countries. In the past, most advocacy work of international NGOs focused on the governments of developed countries. RBAs call for the change of this focus. They call for significant changes in working relationship with southern governments. That is, to change from being receivers of aid or development assistance to ones that are held accountable to their human rights obligations through the mixture of advocacy and pressure, while maintaining productive working relationship.

8.3 THE OMNIPRESENCE PARADOX

This paradox of RBA is that some development NGOs and their staff believe and claim that they are implementing an RBA, regardless of whether they do it or not. In other words, everything one does is a rights-based approach. On the one hand, such claims may help increase discussions on human rights and human rights-based approach among the development community, and may bring in new organizations into the RBA movement, which may result in an increasing use of RBA tools. On the other hand, such claims of adopting key human rights principles without actually adopting them may weaken the RBA movement as a whole. This is because rhetorical adoption, intentional or not, benefits the status quo, obstructing experiments and learning of the development and implementation of RBA development policies. Moreover, over-claims of being RBA hurt the RBA movements as a whole, as overusing of human rights language makes human rights values and principles lose their meanings—which undermines the values, the beliefs, and principles underling and shared by development NGOs that adopt RBAs.

Claims of adhering to an RBA to development NGOs and staff can be seen as a rhetorical level of the adoption of RBA. Many social scientists hold that there is difference between adopting human rights language and not adopting at all. It is believed that the adoption of the human rights language is a first step towards actual practices of the language, which is “better” than not saying anything at all. However, there is also a possibility that the adoption of human rights language can be an instrument for not taking the organization any further than the rhetorical level. This claims, as argued by Uvin (2002), can benefit by putting adherents on the

moral high ground and able to avoid criticisms, and maintain the status quo. (See also discussions on rhetoric incorporation in Uvin 2004, 50-55)

Examples of the omnipresence of RBAs are on the rise. These can be categorized into two types. First, service delivery is an RBA instrument. In Vietnam, some interviewees of this research call their relief efforts and other direct services RBA work, as direct services contribute to “the fulfillment of human rights.” Type two is gaining popularity among old, southern-based NGOs and grassroots networks. These organizations sincerely believe that their organizations have been RBA ones for a long time without calling it as such, because they too have used “participation,” “empowerment,” “advocacy,” “calling governments to be accountable” and “focusing on the disadvantaged.” Both types believe that they too are RBA organizations without having to change the ways of working. During their trip to India, ActionAid’s consultants also recorded type one omnipresence: “there is a strong belief among ActionAid staffs that “everything” they do is human rights because, after all, it concerns elements essential to those rights—including education, housing, health, food, shelters, etc. The challenge is to make a distinction between provision of rights—or simply providing education, food, etc.—and facilitation for the realization of rights. It requires a change of mind-set.” (Petcharameesree and Rosenblum 2003, 24)

A few people have already suggested ways to differentiate RBA work from other, which will not be discussed again here. However, two ways can be noted. One is a long and complex version, using the ESCR framework of the obligations to respect, protect, and fulfill human rights. This first method is recommended by the ESCR school of RBA, including the HRCA and FIAN. Another way is to see if the development work lead to the arrangement of a long-term

social guarantees of human rights in ways that people can continuously enjoy their basic rights (Shue 1980 and Uvin 2004).

8.4 THE PARADOX OF ISSUE CHOOSING

Choosing issues to work on in Vietnam is a dilemma in the implementation of RBAs. In general, working on less sensitive issues means more government cooperation and a better relationship with the government. These less sensitive issues include vaccinations, malnutrition, and water for children.¹⁸⁶ On the contrary, working on more sensitive issues can lead to worsening relationships with the authorities. These issues usually involve national security, civil and political rights, and issues relating to political freedoms, press freedoms, ethnic minorities, and refugees. In Vietnam, development work taking place near national borders is also seen by the authorities as sensitive, particularly near the border with Cambodia. Besides issues concerning national security and civil and political rights as such, sensitive issues in Vietnam also include themes on economic, social, and cultural rights, which may make the Vietnamese government loses its face. Examples are child labor and child prostitution. International NGOs have learned that if they work on such issues, they have to be especially cautious, as such groups of people in the society may make the government feel ashamed in the presence of foreigners, particularly on the issue of child labor. The Vietnamese government used to deny the existence of child prostitution. It has just recently accepted it, meaning that NGOs can now work on the issue. Although street children still sounds like a face-losing issue, the government finds it acceptable

¹⁸⁶ Interview, Britta Ostrom, 26 March 2004.

to talk about it. The bottom line of choosing sensitive issues is that “if an NGO starts to pick on one of these projects, then the door might be closed.”¹⁸⁷

The three NGOs have chosen the strategy of starting on less sensitive issues, in hopes to slowly expand to more sensitive ones. To date, they have tended to stay or move from one less sensitive issue to another. SC Sweden works on children’s participation, focusing on awareness raising and sensitization, an important area and yet being seen as less threatening. Its education, HIV/AIDS, and trafficking programs are all in the safe zone. ActionAid Vietnam has retained service delivery in rural areas, as well as in the agricultural sector, which is technical in nature and therefore less sensitive. ActionAid Vietnam and Oxfam GB have increasingly worked on people’s participation, taking advantage of the Grassroots Democracy Decree. They are working with care, and trying not to cross the line the authorities have drawn.

A more sensitive issue in the country, for example, is human rights violations of the Montagnard ethnic minority. The groups have been so systematically and seriously deprived of their rights to religious beliefs, livelihoods, and land rights that many have had to flee their homes and seek refuge status in Laos, Cambodia, and Thailand (Amnesty International 2005 and Human Rights Watch 2005). These violations involve both civil and political rights and economic, social, and cultural rights, which could be a good opportunity to human rights and development NGOs to work together. Unfortunately, no development NGO appears to work with this minority group, although some dimensions of violations against the Montagnard minority fall into their organizations’ missions. This may be due to the fact that the denial of ESC rights do not take place in the development areas that the three NGOs are allowed to work in. Another possible reason is that the scale of abuses is so severe that it increases the level of sensitivity,

¹⁸⁷ It proves useful to let Vietnamese officials know that there are similar problems in other countries, such as child prostitution, “so that they don’t think theirs is the only country that has it.” Interview, Britta Ostrom, 26 March 2004.

reaching the point where it turns this “human rights” and “development” issue into a “national security” one, which is not a business of relief and development NGOs.

Nevertheless, development NGOs do have options of choosing which issues to work on. CARE International’s rating scale of the fulfillment of CARE International Program Principles differentiate levels of RBA strength, reflecting choices in how far NGOs would want to challenge power relations and the risks that may come with it. A “considerable” RBA means that “we are willing to work with various actors and at various levels, as long as it doesn’t put our organization or others at risk.” A “strong” RBA thinks: “we work at various levels and are willing to tackle thorny issues, even if it puts us in conflict those in power” (CARE International 2005, 6). Against this scale, no programs of ActionAid Vietnam, Oxfam GB, or Save the Children Sweden falls into the “strong” RBA categories. The three organizations are more likely to be in the “basic” degree of RBA, meaning that they may work on any issues, but “if working on these issues might risk our funding source and have other negative impact implications for the organization, we back off” (CARE International 2005, 6).

The question here is whether or not “less sensitive issues” that development NGOs choose to work on are in fact priorities for their organizations and for the people in this country, or whether or not they are concerned with some of the most vulnerable and marginalized groups of people? If not, then the three NGOs may have not fulfilled their mandates to work with the most marginalized people. On the other hand, if the three NGOs choose to work on sensitive issues, they risk hurting positive and productive relationships that they have long built. One sensitive issue may irritate the authorities, affecting cooperation on other non-sensitive issues, or in the worse case, development NGOs may be asked to leave the country. Choosing issues to work on is a dilemma for development NGOs in Vietnam. Yet, the choices are there for them to

choose, as Oxfam GB's SCOs, SC Sweden's Program Areas, and ActionAid UK's strategic plan are all broad enough to fit both sensitive and non-sensitive issues.

8.5 THE COOPERATION PARADOX

The tradition of cooperation with governments has deep roots among development agencies. It has deep effects on various fronts ranging from choices of working methods to choices of issues on which to work. In general, development NGO's cooperation, friendliness, and avoidance of conflict with governments becomes greater as government control over NGOs becomes greater. Government control over NGOs often becomes greater, as the need for NGOs to stay out of certain issues become stronger. This need for NGOs to stay out of certain issues often becomes stronger when the level of human rights violations that the government commits becomes graver. That is, the graver human rights violations a government commits, the more cooperative development NGOs would be with the government. This logic sounds wrong, but true.

The cooperation paradox starts with the idea that the adoption of an RBA enables development NGOs to see the world through a human rights lens. Through this lens, human rights violations may be seen. Yet, development NGOs are quick to point out that there are at least two ways to react to new pictures of human rights violations: confrontation and cooperation (Jones 2000). A confrontational approach consists of documentation of human rights violations and the use of such documentation to mobilize pressure targeting those responsible for the violations. This approach is widely known as the "naming and shaming" method, widely used by large human rights NGOs, such as Amnesty International and Human Rights Watch. The

“violations approach” of ESC rights monitoring (Chapman 1996) is also often seen as part of the confrontational scenario.

Most, if not all, development academic and practitioners believe that development NGOs should leave the confrontation/violations approach to human rights NGOs. The logic behind this belief tends to be because: (a) development NGOs have different professional backgrounds, traditions, criteria of success, and professional ethics than human rights NGOs; (b) development and human rights NGOs work in a different political and social environment; (c) development NGOs “stay longer on the ground, work more closely with much larger numbers of local partners”; (d) development NGOs are more dependent on state collaboration (Uvin 2004, 149); (e) a violations approach tends to lead to antagonism and risks, which local employees of development NGOs do not want to take more than that of human rights NGO staff (Uvin 2004); (f) development NGOs work in “a world of trade-off, of community and government ownership, of small, incremental change”, which a violations approach does not fit into well; and lastly, (g) development NGOs actually avoid the “hot potato” of human rights, because it is likely to lead to more confrontation with states (Uvin 2004, 48).

Uvin proposes a “lite” violations approach, consisting of three components: (1) conducting human rights impact assessments; (2) applying non-retrogression principle; and (3) holding NGOs’ own processes and practices to human rights standards (Uvin 2004). While the three methods are crucial and useful for both development and human rights NGOs, they do not tend to sufficiently redress the shortcomings of the lack of documentation and assessment of practices against human rights standards (of the violations approach), or of direct calls for those responsible to be accountable to their human rights obligations (of the confrontational approach).

Before further discussion, it is useful to look at the degree of NGO control in Vietnam and the practicality of the cooperation and confrontation approaches of the three NGOs.

The Cooperation of Control: Experience from Vietnam

A dimension of the relationships of NGOs and government in Vietnam is control--a key issue in the implementation of an RBA in the country. The availability of political space, rather than level of economic development, affects the ability of ActionAid Vietnam, Oxfam GB, and SC Sweden in the implementation of their programs. In Vietnam, with a poor human rights record, especially in terms of civil and political rights, the three NGOs have faced much difficulty. In large part, the three NGOs accept the situation and try to work within the given space, rather than trying to change it. Nevertheless, the Vietnamese government has affected the work of three NGOs in several ways.

First, the government affects NGO's priority and target selection. Oxfam GB, for example, wanted to work in districts that its team has identified as the poorest communities. But the government did not allow the organization to do so for these areas are the borders of Cambodia. Other prohibitions prevented Oxfam from following up its research work, such as in the central highlands areas in the north.

Second, the Vietnamese government acts as if it were the Board of the International NGOs (INGOs). This is done through the People Aid Coordination Committee (PACCOM), the Vietnamese government agency that is responsible for coordinating and controlling about 400 INGOs registered with it. The committee is designed to monitor INGOs and their activities, including watching the move of political NGOs. In practice, PACCOM is more than a paper

tiger—it is serious about checking NGOs. It requires progress reports from INGOs every six months. More importantly, it requires that all action plans be sent to its offices prior to implementation. Plans cannot be implemented without its approval. The committee also determines provinces that NGOs can and cannot work in.

The cases of the three NGOs in Vietnam indicate that a confrontational approach is not being practiced in the country. Ironically, even if a confrontational approach is chosen, it must be approved by the government! All three NGOs avoid confrontation with the government, as all informants of the three NGOs agree that confrontation is the number one thing to stay away from in Vietnam. It “would not change anything”¹⁸⁸; it would “stop them from listening”¹⁸⁹; and “the door would be closed”¹⁹⁰. Instead, the three NGOs have adopted a cooperative mode. ActionAid Vietnam works harder on its homework in presenting to the authorities what, why, and how it wants to change.¹⁹¹ Oxfam GB identifies supportive individuals, and tries to influence policies and practices through such engagements. SC Sweden plays by the rules, presenting its work as “social development”, which is the only role of NGOs that the Vietnamese seem willing to accept—“nothing more than that”.¹⁹²

Four RBA NGOs in Vietnam, Oxfam GB, Actionaid Vietnam, SC UK, and SC Sweden have organized meetings to learn experiences from one another. They confirm the importance of avoiding confrontation, in favor of building trust and consensus (Van Ngoc, 2003). Although this approach is certainly useful in some situations, using it in all cases raises a few questions: Can consensus between NGOs and government always be found in the struggle for the realization of all human rights in Vietnam? What can be done, if consensus cannot be found? Will the NGOs

¹⁸⁸ Interview, Hoang Phuong, 26 March 2004.

¹⁸⁹ Interview, Francis Peres, 26 February 2004.

¹⁹⁰ Interview, Britta Ostrom, 26 March 2004.

¹⁹¹ Interview, Hoang Phuong Thao, 26 March 2004.

¹⁹² Interview, Dau Hoan Do, 25 March 2004.

drop their position, or pursue other approaches? More importantly, will the approach lead to a stronger accountability in Vietnamese society? Given that human rights are minimum guarantees of human dignity, obliging the state and other duty bearers, how can they be negotiated, or bargained in search of consensus?

Changing Power Relations with Cooperation?

A cooperation approach can be costly, yet it may not be able to change power relations. In Vietnam, the price that development NGOs pay for this approach is to not work on sensitive issues, in which many poor and marginalized people may be involved. From the cases above, we see that in order to maintain a good relationship and to be able to work in the country, NGOs have to accept the government's approval of their own their project plans and working areas. To maintain "good cooperation", they avoid sensitive issues, in favor of more easily-accepted ones. Yet, as shown in Chapter 7, the work of the three NGOs in changing power relations are limited, as steps needed to be taken to strengthening accountability are not always conflict-free or pressure-free.

The choices made by ActionAid Vietnam, Oxfam GB, SC Sweden in balancing these priorities are not unique. A workshop on RBA organized by SC Sweden in Stockholm concluded that one of the main criticisms among development actors (NGOs, bilateral development agencies, and UN development agencies) was that they "in general were seen to refrain from pressuring Governments about specific rights violations, for fear of risking their legitimacy and future program activities". (SC Sweden 2003, 2)

The CARE RBA rating scale, one of the few well planned and progressive thinking pieces in the RBA business to date, also reflects reluctance to do oppositional work, as it risks worsening relationships with government. The “minimum” scale (level 1) to “ensure accountability and promote responsibility” reads: “We maintain a low profile and do not challenge any power holders.” A step stronger, the “symbolic” scale (level 2) suggests: “We identify conditions that need to change, but don’t talk in terms of responsibilities, because we aren’t a political organization.” While the low (weak) level of engagement is really low, the high (strong) level is not as high. The “strong” scale (level 5) only reads: “When appropriate, we are willing to risk losing donor support because of the stands we take.” However, on “addressing discrimination”, CARE’s “strong” RBA scale becomes much stronger: “Discrimination is a way for those in power to maintain control and perpetuate poverty. Poverty can only be overcome by challenging those power structures that are discriminatory.” On how to challenge power structures, CARE answers: “We not only analyze the existing patterns of discrimination, we also find out where this discrimination is rooted (e.g. policies, rules norms, structures, institutions) and proactively work to confront these factors.” (CARE International 2005) An interesting note about this scale is that it identifies two types of risks in adopting an RBA. The first risk is stated explicitly, that is, the risk of doing things with which donors may disagree; which may result in losing donor support. The other risk is not stated clearly, but involves challenging “power holders”, or the state.

The Promotional Side of a Cooperation Approach

Perhaps, human rights violations are not the only pictures available through a human rights lens. There is other work for development NGOs to contribute constructively through a co-operational approach, such as helping fulfill certain economic, social, and cultural rights. This is the case for most development NGOs. Instead of violations and confrontation, or the “lite” violations approach, most development NGOs pursue a cooperation approach. This approach focuses on the positive side of progress of achieving development goals, rather than on the negative side of correcting human rights violations. The Millennium Development Goals (MDG) campaign is one of the major works on the cooperation approach. The campaign has built up leadership commitment from developed and developing countries, as well as international organizations and NGOs, and shifts the focus to specific development goals, reflecting some priorities in the global south. As NGOs continue to work towards the MDG, they have started to realize that they need to strengthen their own work to influence southern government’s policies, laws, and practices and keep governments’ commitment towards development goals; as opposed to targeting its advocacy at northern government as in the past (Oxfam GB 2002a; 2002b; Lawson, no date). This is where a human rights framework can contribute to the movement, to hold governments accountable to their obligations. Oxfam GB recently established a new position, a global advisor on institutional accountability, to advise its national staff in policy influencing and advocacy strategies, as well as to make use of a human rights framework in its Aim 2--especially in regards to health, education, and HIV/AIDS.¹⁹³ In sum, after putting on a human rights lens, addressing human rights violations is not the only option in RBA work. Oxfam GB and other NGOs,

¹⁹³ Max Lawson, private communications, 5 April 2005.

therefore, have chosen to hold governments accountable, through influencing both the policy environment and advocacy work regarding pro-poor laws, measures, and practices.

How effective is the cooperation approach alone in addressing some of the key RBA goals, namely (a) to stop human rights violations, deprivation, denials, and discrimination; and (b) to strengthen accountability and change power relations? Will the initiative and support of good policies, without opposing bad ones, be enough to achieve these goals? In which conditions does a cooperation approach become more effective, and in which conditions does it become less effective?

In general, a cooperation approach and consensus building are effective in a non-violation situation, such as when NGOs and government work together towards fulfilling a human right. In the case of human rights violations and efforts to change power relations, however, a cooperation approach has not proved to be effective. This is shown in the Vietnamese cases where, under a cooperative and good relationship mode, NGOs have failed to address human rights violations and have minimally changed power relations.

There is a risk for the development NGOs to move closer to development UN agencies, which work mostly on issues that receive government cooperation, and further from grassroots organizations, which often work against governments' policy and practice and adopt a confrontational approach. The "play it safe" type of RBA NGOs may simply be generating a mutation of new non-governmental UN agencies.

The Dichotomy of Cooperation and Confrontation

One of the most dangerous trends in the current RBA business is the dichotomous thinking of cooperation and confrontation, leading the development community to think “either/or”—either confrontation or cooperation. What Offenheiser and Holcombe (2003, 286) call “carrots and stick”, also falls into this dichotomy trap. The dichotomy leaves the development community with no choices, but to say: leave the confrontation of human rights violations with Amnesty International, and we, the development community, will pursue a cooperation approach.

Interestingly, the 2003 meeting of development agencies in Stockholm started to question the existing approach, as the meeting report notes: “There was widespread agreement that other approaches should be used in conjunction with the RBA, so long as organizations put the individual at the center of these approaches.” (SC Sweden 2003, 1) It was not clear from the meeting report what the “other approaches” were. But it is argued here that one “other approach”, that should be added and integrated with a cooperation approach, is the confrontational approach—or a challenging approach. It is argued here that confrontation and cooperation do not constitute an “either/or” issue. In fact, both approaches help one another in realizing human rights and development goals. The cooperational approach alone is to say only “yes” to governments on service delivery, or certain policies, laws, and practices. On the contrary, the confrontational alone is to only say “no” to governments on policies, laws, and practices. An RBA NGO needs to learn when and how to say either “yes” or “no” to governments, including saying “no” to human rights violations—in all forms of laws, policy, and practices.

Human rights NGOs have used both cooperation and confrontational approaches, both together and separately, for quite some time. Amnesty International, one of the best-known

organizations for the “name and shame” or a “say no” method, has a long history of using both confrontational and co-operational approaches with governments. The organization has developed both strategies and tools for promotional and opposing work. Promotional strategies and tools include human rights education, human rights awareness, public campaigns, and promotional media work. Opposing strategies include research on human rights violations, the use of media, and the mobilization of its 1.8 million members around the world to campaign for change. But this is little news to both development and human rights communities, who generally see Amnesty International as an organization that only confronts governments by documenting human rights violations and then shaming them. The reason for this misunderstanding is that the confrontation side usually gets more publicity both by the media and because of NGOs’ intention to mobilize pressure against violating governments. The unseen cooperation side includes working with governments in the reform of the administration of justice, jointly developing and training government officials on human rights education, and public awareness and campaign on a variety of human rights issues.

Even the largest human rights NGO, best known for confronting governments, develops both co-operational and opposing approaches in its own work. The good side of employing both approaches is that it gives an RBA a balance of (a) working together with governments to develop policies, social protection, and service provision, and (b) challenging them when they fail to respect or protect people’s rights.

Confrontation and cooperation can co-exist. In fact, its co-existence is a key element in having a good human rights relationship with governments. Amnesty International Thailand, for instance, has used AI’s fact finding report on torture in prisons to organize a meeting with the Heads of the Corrections department (confrontation). AI’s delegation briefed authorities, gave

them a copy of the full report, and discussed possibilities to improve the human rights situation (work based on the fact). As a result, AI Thailand and the Director General of the Corrections Department agreed to jointly organize human rights training workshops for all commanders of the 133 central prisons in the country (cooperation). In addition, the agreement included AI Thailand's work to integrate training sessions on human rights standards into orientation workshops for all new staff of the Corrections Department, and AI Thailand's training for ten trainers of the department. Another example is AI's Business and Human Rights Network (BERN), whose work has focused on holding companies accountable to their human rights obligations. Some European sections of AI use a cooperational approach to meet the objective, such as lobbying, organizing lunch meetings with companies, running roundtables, and providing training sessions for companies. The US section uses confrontational campaigning against abusive companies. It should be noted also that it is not only human rights organizations that document human rights situations, many development agencies such as Save the Children also document children's rights situation.

This is to say that discussions on human rights NGO's confrontation or "naming and shaming" approach and development NGO's cooperation approach, have been misplaced. These discussions allow development NGOs to feel good about maintaining their relationships with governments, by avoiding speaking about human rights violations, claiming that a confrontational approach should be reserved for only human rights NGOs. Both types of NGOs need both approaches so that they can appropriately use and mix them together when necessary. A co-operational approach of RBA, that does not challenge human rights violations, or in development terms, impoverishment, is not likely to change power relations, structure of equality, and human suffering.

In sum, this section argues that first, there is a contradiction of NGO cooperation with government, as they tend to cooperate more and oppose less with violating governments which tightly control them, such as is the case in Vietnam. Second, a cooperation approach can contribute greatly to the development world, such as with policy influencing and advocacy, but the approach alone is insufficient in: (a) stopping grave human rights violations or impoverishment, and (b) changing power relations. Third, there is a risk of this dichotomous thinking of cooperation and confrontation, which turns the nature of working with governments into an “either/or” issue—either be friend or enemy, either support or oppose governments. Fourth, the best way to work with governments is to adopt both cooperation and confrontation in given situations. That is, RBA NGOs have to learn when and how to “cooperate” and “challenge”. They should articulate strategies and develop tools for both methods and learn to balance them, while maintaining their credibility, legitimacy, and effectiveness, so that they can be in a better position to actually make poverty history.

8.6 A LOW SIGNIFICANCE LEVEL ON MORAL HIGH GROUND

It is true that NGOs that adopt an RBA, benefit from being on a moral high ground, as Uvin (2002) suggests. These NGOs try to implement what they believe to be an RBA. They do change their mission statements, manage organizational changes, and integrate human rights principles into their development programs. The end result, however, does not necessarily represent being on a moral high ground.

When development NGOs interpret RBA in ways that fit their organizational background and expertise, they actually weaken the concept of RBA. It is at this interpretative juncture that international human rights standards were left out by Oxfam GB, where an RBA means slightly more than “mere advocacy work”. It is here that an RBA interpretation legitimizes and gives meaning to ActionAid’s grassroots work—assisting the poor to claim their rights—without having to learn about human dignity and how it is protected by international and national laws. The selective and purposeful interpretation bonsais a human rights-based development policy from realizing its full meaning and potential of what human rights can mean for the poor and the marginalized.

Among concepts, principles and tools that survive and get chosen in the interpretation stage, some got lost and cannot find their place in the organizational change process. It is in this organizational level that Oxfam creates relevance from the top with its five aims in human rights terms. In this same organizational level, “access” to resources and social services finds its place in Oxfam GB’s planning tools, while “non-discrimination” does not. It is at this organizational level that ActionAid loses its focus with the experimental process. Through the organizational process, Save the Children Sweden transformed itself from a relief organization to a child rights’ organization, while other family members, such as Save the Children USA still provide goods and services to poor children.

This research finds that NGOs’ organizations are key in turning RBA policy into practice. Yet, organizational changes after the adoption of RBAs are less than what an RBA may suggest, resulting in limited ability to deliver an RBA development policy. As a way to test Uvin’s question of RBA intention to keep the status quo, these organizational changes demonstrate that NGOs are willing to use human rights to improve their organizations’ effectiveness, rather than

changing the way they work, except for Save the Children Sweden. Changes in mission statements do reflect new thinking on rights, but there is insufficient integration of human rights into the organizational process, especially in fully realizing the radical concept of RBAs.

This research finds that development NGOs that adopt RBAs do not change power relations between the government and the poor, as programs aimed at strengthening accountability and promoting equality and non-discrimination have been limited. This finding may not be surprising. More interesting is that an RBA does not bring closer partnership as expected, as NGOs with different concepts of RBA have trouble working together.

In addition to limitations in interpreting, organizing, and implementing an RBA paradigm into practice, there are external factors (such as existing civil and political rights and government control in developing countries) which hinder the work of development NGOs. The last wave that reduces the level of significance of the work of RBA NGOs, is a series of decisions to “play safe” and avoid taking risks by challenging government. On some “hot” issues, such as with the Montagnard minority in Vietnam, the cooperation without challenging mode of development NGOs turn themselves into cheerleaders, rather than active players.

In the near future, there is a possibility that NGOs that adopt an RBA would work more to advocate for policy and laws in developing countries. However, there is not enough evidence to expect swift changes by NGOs to include promoting non-discrimination or to focus on holding the state accountable to its human rights obligations.

A human rights-based approach to development is a powerful conceptual framework. It calls for radical changes in policy and practices in development aid. Its full potential has not yet been realized. Development NGOs that adopt the approach, benefit from being on the “moral

high ground”, but fail to give an RBA its full meaning—intentionally and unintentionally—through their interpretation, organizational changes, and implementation.

A staff member of an RBA NGO in Vietnam stated that she would not speak about human rights with the poor, because the poor would not understand them. This unfortunate view is a threat to human rights. It is also an obstacle to the realization of human rights-based development. It supports a notion that many RBA NGOs are maintaining an image of being on a moral high ground, while actually achieving a low level of significance. Rather they merely adjusting their interpretation of being rights based to fit their preexisting approach, such discrepancies underscore the necessity for NGOs to look more deeply into what it means to becoming truly human rights based.

APPENDIX A

LIST OF THE INTERVIEWED INFORMANTS

ActionAid

1. Alex Wijeralma, Food Rights Campaigner, ActionAid UK (27 February 2002)
2. Luis Marago-Nicolas, Policy Division Rights Advisor, ActionAid UK (1 March 2002)
3. Hoang Phuong Thao, Manager, Funding and Fundraising Department, ActionAid Vietnam (26 March 2004)
4. Ngo Thi Minh Huong, Senior Officer, Impact Assessment and Shared Learning, ActionAid Vietnam (5 April 2004)
5. Prof. S. Parasuraman, Asia Regional Policy Coordinator, Asia Regional Office, ActionAid UK (11 February 2003)

Oxfam

6. Heather Grady, Regional Director, East Asia Program, Oxfam GB (8 June 2003 and 6 February 2004)
7. Francis Perez, Regional Policy Advisor, Trade and Livelihoods, Oxfam GB (26 February 2004)
8. Le Kim Dung, Senior Program Officer for Advocacy and Communications, Oxfam GB (25 March 2004)
9. Claire Hutchings, Program Resource Officer, Oxfam GB (6 April 2005)
10. Dereje Wordofa, Head of Regional Policy, Oxfam GB (14 April 2005)

Save the Children

11. Eva Geidenmark, Programme Officer, Programme, Policy, Research and Development, Save the Children Sweden (1 October 2001 and 13 June 2002)
12. Joachim Theis, Senior Advisor, Child Rights Programming, Save the children Sweden (17 February 2003, and 27 January 2004)
13. Yen Nguyen, Training Coordinator, Asia Regional Program, Save the Children Sweden (22 March 2004)
14. Dou Hoan Do, Advisor, Children and Macro Economics, Southeast Asia Region, Save the Children Sweden (25 March 2004)
15. Britta Ostrom, Asia Regional Director, Save the Children Sweden (26 March 2004)
16. Piyanute Kotesan, Regional Protection Coordinator, Save the Children Sweden (10 April 2005)

CRS

17. Mary Hodem, Deputy Regional Director for Southeast, East Asia and Pacific (22 January 2004)

CARE

18. Barbara Kuhhas, Program Officer, CARE Austria (28 September 2001)
19. Andrew Jones, Policy Advisor, CARE International (28 October 2001)

The World Bank

20. Gillian Brown, Senior Gender Specialist, Social Development Unit (26 January 2004)

UNDP

21. Thord Pulmlund, Special Advisor, Management Development and Governance Division (MDGD), Bureau for Development Policy (BDP), UNDP (6 November 2001)
22. Sanaka Samarasinha, Rule of Law and Judicial Reform Advisor, BDP/IDG, Bangkok SURF (9 April 2002)

Dignity International

23. Thomas Nzumbi, Coordinator for East Africa (6 May 2003)
24. Boontan Verawongse, Coordinator for Asia Pacific Region (4 October 2002)

Amnesty International

25. David Petrsek, Senior Director, Policy and Evaluation, International Secretariat, (10 May 2003)
26. Robert Rosoff, Chair, Business and Economic Relation Group, AIUSA (11 May 2003)
27. Salil Tripathi, Researcher, Researcher on Economics and Human Rights, International Secretariat (7 February 2002)
28. Alessandra Masci, Economic Relations Campaigner, International Secretariat (10 June 2003)
29. Vijay Nagaraj, Director, Amnesty International India (5 January 2003)
30. Somsri Hananuntasuk, Chair, Amnesty International Thailand (24 September 2004)
31. Ampica Saibouyai, Campaign and Activism Manager, Amnesty International Thailand (10 December 2004)

UN—OHCHR

32. Nicholas Howen, Regional Representative for Asia-Pacific and Chair of the Practitioner Forum on Human Rights in Development (16 August 2002)

Human Rights Council of Australia

33. Patrick Earle, Executive Director and Co-author of *The Rights Way to Development*

Ludwig Boltzman Institute of Human Rights, Austria

34. Walter Suntinger, Consultant and Human Rights Trainer (September 2001)
35. Christian Hainzl, Programme Officer and Trainer (September 2001)

Asian Forum for Development and Human Rights (Forum Asia)

36. Somchai Homlaor, Secretary General, (4 October 2002)
37. D.J. Ravindran, Advisor, Forum Asia and Former Member of the Working Group on
ESCR of Amnesty International (10 April 2003)
38. Kamol Kamoltrakul, Senior Program Officer (9 May 2003)

The NGO Coordinating Committee on Development of Thailand (NGO-CORD)

39. Revadee Prasertchareonsuk Chair of NGO-CORD of Thailand (30 April 2003)

APPENDIX B

EXAMPLES OF INTERVIEW QUESTIONS

1. When and how did your organization adopt a human rights-based approach?
2. After the adoption, what have been the changes at the policy level? Why? How?
3. After the adoption, what have been the changes in priority setting? Why? How?
4. What have been the changes in terms of organization? How? Are there any changes in the headquarters-regional office-country office relationships? If yes, how? Are there any changes in organizational structure?
5. What have been the reactions from staff after the adoption of RBA? Is there any resistance to changes? Why? How has the organization respond?
6. What has the organization done in terms of capacity building for national staff? Does your organization conduct training workshop on RBA for staff? Why or why not? If yes, has it been useful? How? If no, how would you go about making sure that staff has a good understanding of the RBA your organization is pursuing?
7. What have been the incentives to learn more about RBA for staff on the ground?
8. How do you work with partners? Who are they? How do you identify and choose them? Who chose them? By what criteria? What have been the results? Are you satisfied with the results? Why?
9. What are the obstacles so far? How do the organization deal with them?
10. Has the adoption of RBA make country program more effective? How?
11. Has the adoption of RBA make country programs more difficult in terms of implementation? How?
12. Do your organization challenge the authority more after the adoption of RBA? How? Why?
13. How would you describe challenges that your organization is facing in the adoption of an RBA? What about your personal challenges?

APPENDIX C

WORKING METHODS AND AREA ISSUES PRECEDES RBA ADOPTION

Working methods (advocacy, empowerment, campaign, and working with the UN) and issues are (IFIs, HIV/AIDS, women, children, and TDA—trade-debt-aid) precede RBA adoption, and not the other way round. This is the case for all seven NGOs that adopt RBAs.

1.) **Oxfam GB** adopted an RBA in the mid 1990s when it conducted extensive review of organization strategy (Chapter 3). The organization has worked on advocacy, campaigns, empowerment, and with the UN since the beginning of the 1980s, when it started to advocate and campaign on international trade. Its work on women started before 1980s, and the work on IFIs, HIV/AIDS, and TDA started in the 1980s.

2.) **ActionAid UK** adopted an RBA in the late 1990s as a result of organizational review and after the adoption of the people-centered and sustainable development. It started to work on empowerment before the 1980s, and before advocacy and campaign in the early 1990s. The work on IFIs and TDA were recently started in the early 1990s, while work on HIV/AIDS, women and children were started in the 1980s.

3.) **Save the Children** adopted RBA in the early 1990s. Its work on advocacy and campaign on children rights started back from the after the World War II periods, continuing through the 1950s to 1980s, before recent changes in the late 1980s. The organization has worked on children from its inception in 1919. The work on HIV/AIDS and TDA started in the 1980s about the same time as Oxfam.

4.) **CARE** adopted an RBA in the late 1990s. The organization works traditionally on emergency relief and development projects. Advocacy and campaigning work gradually started from the beginning of 1990s. Over decades, its work with the UN has been most on relief efforts. The work on women, children, and HIV/AIDS started before 1980s and long before RBA adoption. The organization does not have program working explicitly on TDA.

5.) **International Planned Parenthood Federation** adopted an RBA in the late 1990s when it announced that the organization adopted human rights values and principles, especially those related to the right to reproductive health. The organization started in advocacy and campaign work decades before RBA adoption. Its work on empowerment started long before advocacy work. The organization does not work on IFIs, children and TDA.

6.) **Doctors of the World** (Medicins du Monde) adopted an RBA in the late 1990s. The organization focused on medical relief work from its inception in France in 1980 and increasingly worked on advocacy in the late 1980s. It does not do direct campaign or empowerment or TDA. Its work with the UN is largely cooperation on effort relief work, starting from the inception. Its work on children and women has continued since the 1980s.

7.) **Medicins Sans Frontieres** was found in 1971 and adopt an RBA in the mid 1990 when it explicitly announced that it adopted human rights principles in its work including reporting human rights violations committed to its patients and victims. The organization increasingly worked on advocacy from the second half of 1980s. It does not do empowerment or work directly on children and IFIs. Its work on TDA started in the early 1990s.

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