

RIGHTS BASED APPROACHES TO DEVELOPMENT IN INTERNATIONAL
DEVELOPMENT ORGANIZATIONS

A Master's Thesis

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September 2009

To my family

RIGHTS BASED APPROACHES TO DEVELOPMENT IN INTERNATIONAL
DEVELOPMENT ORGANIZATIONS

The Institute of Economics and Social Sciences
of
Bilkent University

by

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ABSTRACT

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In the recent years, rights talk is used within development theory and practice at a frequent rate; under the heading of rights- or human rights-based approaches to development. Although there are significant challenges; the past two decades have witnessed a momentous rise of attention of the multilateral institutions, international organizations, international non-governmental organizations (INGOs) to the approach. The main argument of this thesis is that the implementation of rights-based approaches seriously depends on how the idea is framed. This thesis utilizes framing in the context of the UNDP. By looking at the official policy notes, project documents, concept papers and briefings, this study traces how human rights-based approaches to development are framed within the UNDP.

Keywords: Rights Based Approaches, Human Rights, Development, Framing, Discourse, UNDP

ÖZET

ULUSLARARASI KALKINMA ÖRGÜTLERİNDE İNSAN HAKLARI TEMELLİ KALKINMA YAKLAŞIMLARI

Güçlü, Sibel

Yüksek Lisans, Uluslararası İlişkiler Bölümü

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Son yıllarda, insan hakları kalkınma kuramı ve uygulaması içinde hak temelli yaklaşımlar adı altında sıklıkla yer almaya başlamıştır. Uygulamada karşılaşılan ciddi sorunlara karşın geçtiğimiz iki onyıllık süreç uluslararası örgütlerin, uluslararası kalkınma örgütlerinin ve sivil toplum örgütlerinin hak temelli yaklaşıma ilgisinin artmasına tanıklık etmiştir. Bu çalışma, hak temelli yaklaşımların uygulanma şeklinin düşüncenin nasıl çerçevelendiğine oldukça bağlı olduğunu iddia eder. Bu tez çerçevelendirme kavramını Birleşmiş Milletler Kalkınma Programı bağlamında; Program'ın resmi proje, siyasa evraklarını, görüş bildirilerini ve kısa notlarını inceleyerek hak temelli yaklaşımların Birleşmiş Milletler Kalkınma Programı içinde nasıl çerçevelendiğini inceler.

Anahtar Kelimeler: Hak Temelli Yaklaşımlar, İnsan Hakları, Kalkınma, Çerçeveleme Diskur, Birleşmiş Milletler Kalkınma Programı

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CHAPTER I

INTRODUCTION

Human rights and development have traditionally been regarded as two separate universes of theory and practice (Alston and Robinson, 2005: 1; UNDP, 2000: 19). According to that traditional outlook, human rights primarily concentrate on civil and political rights and legal reform. Development, on the other hand has been the realm of economists, whose focus is the eradication of poverty and advancing life standards through economic growth (O'Brien and Williams, 2004).

Today human rights language is frequently used within development under the heading of human rights-based approaches to development. The crux of the approach is a change from a needs-based i.e. charity-oriented perspective to one with rights and corresponding obligations, by focusing on power relations and holding development actors and governments accountable for their acts. Proponents of the approach argue that international human rights framework can set the necessary legal environment which can lead to the fulfillment of human rights, since current human rights framework include state responsibility to respect, protect and fulfill human rights (UNDP, 2006: 10). Thus, human rights-based approaches to development can

shift existing power relations which foil access to human rights (Ensor and Gready, 2005: 12-13; Pettit and Wheeler, 2005:1-4; VeneKlasen et. al, 2004: 13-14).

The opponents of the approach on the other hand argue that rights based approach is only another development fad i.e. only rhetoric with no real change to the wider structural causes of poverty (Donnelly, 1999: 625; Mohan and Holland, 2001: 180; Uvin, 2002: 20-22).

Despite the challenges the past two decades have witnessed, there is a significant rise of the interest of the multilateral institutions, international organizations, international non-governmental organizations (INGOs) and government donor agencies that make up the global development society towards human rights-based approaches to development. A visional change in which development and poverty alleviation are viewed through a human rights lens is visible throughout the global development community, appearing in the policy documents of the major multilateral development agencies such as UNDP and UNICEF. All these organizations have demonstrated unprecedented efforts to show how the use of such approaches can help bring value in terms of assisting poor, vulnerable and marginalized groups of people realize their basic human rights.

This thesis argues that there have been essential historical and political motives behind the timing of the discourse of rights-based approaches. This shift is, to a certain extent, a response to the failure of former development models to address the persistent poverty (Ensor and Gready, 2005: 15). Secondly; it is also due to the end of the Cold War and the victory of liberal democracy (Cornwall and Nyamu-

Musambi, 2004a: 1423). A series of UN conferences in the first half of the 1990s has also created a closer relationship between human rights and development (Hamm, 2001: 1007). Contemporary globalization has also verified the earlier social contract theories of human rights and classical economic growth model as useless, letting the two academic fields –namely development and human rights- to converge (Sano, 2000: 739).

The level of interest however could not lead to a common definition of human rights based approaches. On the contrary, there is plethora of definitions of rights based approaches creating a conceptual vagueness. Basing its main curiosity this thesis tries to find out under what conditions rights-based approach to development is incorporated to and how is implemented in international development institutions as a development idea. The argument claims that ideas matter in policy making, and the implementation of rights-based approaches heavily depends on how the idea is framed.

The process of framing refers to the “conscious strategic efforts by groups of people to fashion shared understandings of the world and of themselves that legitimize and motivate collective action” (McAdam et al., 1996: 6). An analysis which utilizes framing is important as it captures how actors deliberately enfold and infer ideas to convince each other as well as the general public on the plausibility and acceptability of their solutions to the problems at hand (Campbell in Joachim, 2007: 19).

Policy making in an organization depends on a number of factors, from organizational culture to the nature of existing bureaucracies within the organization.

Every development organization is a complex agent, not just a black-box unitary actor whose views and positions can be treated as homogeneous (Sikkink, 1991: 21-26; Woods, 1995: 169-170; Allison, 1999). The publicized policies of development agencies can be those of a few people, whose views do not necessarily shared by everyone. Framing the policies in a certain way these people can link their individual practice to the former practices; convince dissent voices and then create a perception of a “common political project” within which their independent practices acquire meaning (Hajer, 1995: 65).

A study on framing necessitates a focus on the discursive character of policy making. A deeper outlook to the policy making –especially during the times of policy negotiation- disclose divergences in the viewpoints and contestation over meaning. The final policy document, therefore, is expected to be framed in a certain way that appears as the common sense of the organization given the consensual characteristic of international organizations (Boas and McNeill, 2004: 2-4).

International organizations have a novel aim from the very beginning: they assert to back the public interest that is beneficial for the members of a given community, and they owe their *raison d'être* to sponsoring people's interest. But they also compete with each other – for resources, status, influence etc. They seek, to varying extents, to exert influence over “global ideas” such as poverty, underdevelopment and global governance (McNeill and St. Clair, 2009: 4-5).

Policy language can therefore make reference to human rights without having any actual effect but just to reap the benefit the moral capital that they enfold. It is

therefore important to see how human rights are integrated in development policies. This can be done either by investigating implementation in the field or by analyzing the language and provisions of the policies themselves. Each of them has their value added of own. By examining the implementation in the field, one can trace that whether the theory has a real world effect. Alternatively, by scrutinizing the language and conceptualization of a particular policy, one can sketch the way a particular idea (in this case human rights) is incorporated into the policies, programmes and policies. The approach of this thesis is the latter. Paying closer attention to the ways in which particular development buzzwords have come to be used, this thesis tries to understand the latest normative project of development –human rights-based approach to development.

1.1 Method

This thesis will utilize framing in the context of the UNDP. By looking at the official policy notes, project documents, concept papers and briefings, this study will trace how human rights-based approaches to development are framed within the UNDP. It is important to state that such scrutiny does not aim at transcending words over actions. Such focus only intends to bridge a gap of institutionalist approaches by demonstrating that ideational factors also matter in the policy making.

1.2 The Organization of the Chapters

This thesis aims to scrutinize under what conditions multilateral development organizations choose to generate their development policy reflecting a human rights-based approach. For a better scrutiny this thesis encompasses; first of all; a historical part, secondly a theoretical part and lastly the case study chapter.

The first chapter commences with an analysis of the evolution of the relationship between human rights and development, through a retrospective perspective. After setting the scene, the study continues to investigate the conditions creating an enabling environment for human rights-based approaches to development. After examining the forces behind particular timing of the approach, several definitions of human rights-based approaches will be compared in terms of shared commonalities. The thesis will; then; lay out what value does rights-based approaches to development add to the development discourse. The chapter will cease with the criticisms that are directed to the human rights-based approaches to development.

The second chapter deals with the issue of how and why rights-based approach to development is embraced in international development institutions. The main argument of this thesis is laid down in this section: the implementation of rights-based approaches heavily depends on the framing of the approach. In order to comprehend the role of human rights in development, the second part looks at the role of ideas in multilateral development institutions. The second chapter; therefore; gives a theoretical background for the case study chapter in order to provide conceptual clarifications with respect to framing, institutions and organizations.

The third chapter is the case study chapter. Using the UNDP as a test case, the third chapter aims to understand how the UNDP integrates human rights into development strategies, how their work is founded in theory, and what they see as the key problems. It will look at whether the language used in these documents tells us anything about how the UNDP identifies the link between development and human rights. How does the UNDP sets priorities and make trade-offs among rights?

The thesis will not simply describe what the UNDP writes about human rights in its development policies. Instead, its purpose is to locate the UNDP's strategies within a theoretical framework (that is framing) that deals with human rights and development while tracing what is included and excluded within the UNDP's strategy.

The thesis will then come to a close with a wrap-up section. The wrap-up section aims to provide an opportunity to revisit the thesis and its main assumptions and to conclude the findings of this study.

1.3 Delimitations

This thesis confines itself to analysis of the policy briefs, concept and strategy papers. Such textual analysis has its own limitations. First limitation is related to the bulk of the documents traced. The documents scrutinized were taken from the UNDP website and they are the ones that are open to the public. Hence the verifiability of this textual analysis is limited given the lack of access to all policy documents.

Second limitation of this analysis can be that it does not deeply evaluate the real life consequences of the policies and strategies hence it concentrate upon policy documents and definitions without practical assessment as such assessment is beyond the scope of this thesis. This study concentrates upon the framing of policies instead which defines the pathways to implementation. It asserts that policy defines action. Thus it still gives valuable insight on the basis that to how organizations set the problem at the outset, and how they sketch a framework for implementation.

CHAPTER II

HUMAN RIGHTS-BASED APPROACHES TO DEVELOPMENT: ORIGINS AND CONCEPTIONS

The very right to be human is denied everyday to hundreds of millions of people as a result of poverty and the unavailability of basic necessities such as food, jobs, water and shelter, education, health care, and a healthy environment. The failure to achieve the vision contained in the Universal Declaration of Human Rights finds dramatic expression in the contrast between wealth and poverty which characterizes the divide between the countries of the North and the countries of the South, and within individual countries in all hemispheres (Mandela, 1998).

Asymmetrical path of world development has been considered one of the most significant struggles of human beings. Nelson Mandela in his speech in Universal Declaration of Human Rights for the fiftieth anniversary mentioned about this struggle. It is a struggle for the alleviation of poverty and fulfillment of all human rights as it is affirmed in the Article 2 of the Universal Declaration of Human Rights (1948) as “[e]veryone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language,

religion, political or other opinion, national or social origin, property, birth or other status”.

Alleviation of poverty is a transboundary problem and it requires concerted action based on international cooperation since there are a variety of challenges in front of individual countries transcending the national borders. Examination of such challenges proves that a holistic development approach is essential in order for a sustainable human development as stated in the Human Development Report of 2000; a genuine approach that can integrate governments and global actors that shape the world economy.

A human rights-based approach to development affirms to be that unique approach which allows active participation of and yardsticks for all stake holders in development cooperation as well as redress for the past abuses through international human rights system (UNDP, 2000: 24-25).

Up until the 1990s development practitioners and the human rights advocates have worked within their separate groups (UNDP, 2000: 2; Sano, 2000: 739; Dorsey and Nelson, 2003: 2014; Darrow and Tomas, 2005: 477). Although there were several efforts to combine their work (such as right to development), these efforts mostly constrained the bipolar partisan structure of the then world system. However, following the demise of the Cold War and subsequent failure of market oriented development strategies; development paradigm has shifted in favor of a human development approach which incorporated human rights into development –a system

in which one spirally reinforces the other (Hamm, 2001: 1005; Cornwall and Musambi, 2004a: 1423-1424; Ensor and Gready, 2005: 15).

This episode aims to introduce human rights based approach to development, delineate its boundaries as an alternative development paradigm and bring to the fore the debates and criticisms related to it. This chapter hence, comprises of a literature review that explains the attempts to integrate human rights and development policies, their added values to each other, and flaws.

2.1 The evolution of the relationship between human rights and development

2.1.1 Decades of development

It is difficult to find precisely when the human rights-based approach to development gained the prominence that it now has. Some scholars trace back the relationship between human rights and development to Roosevelt's famous "four freedoms" speech (Eide, 2006: 220; Frankovits, 2006: 15). This section outlines a number of non-exhaustive landmark events which point to the contribution of actors at various stages in clarifying the relationship between human rights and development, and between human rights and poverty.

The history of development as put by Ensor and Gready is characterized by ongoing change. Ever since the 1950s the discourse of development diverse pressures at different times have affected the mainstream development strategy such as dominant

political ideologies, academic theories and a constant failure to resolve the problem of poverty and underdevelopment (Ensor and Gready, 2005: 14).

It is the overseas aid of the 1950s which has pinpointed the initiation of the development following the independence movements and decolonization (Thorbecke, 2000: 23-24; Ensor and Gready, 2005: 20-21). In that decade, the number of newly established states flourished as a result the collapse of colonization. Decolonization has evoked an interest in the academia towards the social conditions of former colonies which is characterized by underdevelopment; thus these newly independent states became the object of international attention (Martinussen, 1997). This decade emphasized the macro-economic determinants of economic growth which was measured in terms of Gross National Product (GNP) (O'Brien and Williams, 2004). Economic growth is regarded as a chief indicator in order for the measurement of development, and as a goal in itself. In this context aid was considered as an ephemeral phenomenon which would induce a “big push” (Rosenstein-Rodan, 1943), “balanced growth” (Nurkse, 1953), or “take-off” (Rostow, 1956). This development fad argued that growth meant modernization i.e. a gradual change towards gradual similarity with the industrialized Western countries. The features of the modernization theory were widespread specialization and division of labor, soaring levels of productivity; self sustained growth and a well functioning active state authority together with a democratic form of governance and equality before law (Martinussen, 1997: 39). Development assistance therefore, focused on national efforts with large industrialization and macro-economic infrastructure projects (Maxfield, 2002: 462; Nowak, 2005: 17). Ethical issues such as welfare and rights assumed to follow as a consequence of that big push, which is

depended on increased life standards and adoption of modern values (O'Brian and Williams, 2004: 260).

Despite the fact that the macroeconomic effects of aid in terms of indicators; such as GDP; were positive, the subsequent decade confirmed that these effects did not trickle down to the lower segments of the communities and such growth failed to improve conditions for the poorest sections of society and the gap between rich and poor increased (Martinussen, 1997: 284). As the authors of the 1968 global poverty report of the UN points out “the world social situation has continued to deteriorate, that the persistence of poverty, unemployment, hunger, disease, illiteracy, inadequate housing and uncontrolled growth of population in certain parts of the world has acquired new dimensions” (Normand and Zaidi, 2006: 296).

Based on this letdown, the succeeding decade witnessed loads of discussions related to modernization theories, their successes and failures. Discussions related to demands for a more egalitarian distribution of development benefits and the claims for a New International Economic Order started to roam around the academia and the development (Streeten, 1982).

The failure of modernization theory and academic discussions of these two decades resulted in a reassessment of the development goals in the late 1960s. This re-evaluation initially took the form of a basic needs approach (Martinussen, 1997: 285; Sano, 2000: 739; Normand and Zaidi, 2006: 297). The crux of this approach was again economic growth; however; this time combined with a number of measures that provides the establishment of minimum standards i.e. basic needs, for the

poorest segments in each of the developing countries via designation of specific targets for basic needs such as hunger, literacy, infant mortality, sanitation and primary health care (Stewart, 1989: 348-350). The new approach according to Ensor and Gready is composed of three novel intentions: “to increase income for the poor through labor intensive production, to promote public services, and to encourage participation. It reflected the increasing nexus between human rights and development” (2005: 15).

All the same; the new thinking once again failed due to debt crises towards the end of the 1970s; causing a swift retreat from the basic needs approach. Until the 1970s developing countries attempted to restrain interaction with external actors and endorsed industrialization through import substitution (ISI). ISI meant high tariff policies in order to develop domestic infant industries via these protectionist methods. However the cost of industrialization was tremendous for the developing countries. The cost of imported technology, and intermediate goods led to a deficit in the foreign exchange, and a foreign debt crisis (O’Brian and Williams, 2004: 263). In reaction to the foreign debt crises, ISI models are abandoned in favor of a neoliberal strategy supported by the IMF. With the introduction of structural adjustment policies; a new phase in development started. The main objective of this development approach was to stabilize indebted countries by dipping budget and trade deficits, cutting government expenditure and reducing wages so as to refurbish balance of trade and fuel economic growth (Skogly, 1993: 752-755; Jonsson, 2003: 7). This approach was again an economic-development-first model, whose features focused on curtailment of the role of state in the economy and adoption of export-oriented industrialization.

It is important to clarify one crucial point here before proceeding with the next session. This section has projected the theories of development as if there are separate layers of development fads, tried for a certain period and then disappeared following their failure. In reality, the dominant trends in development always had its counter approaches in each of these aforementioned decades. As Ensor and Gready argue, rights have had an unremitting connection to development throughout its history, although it took years for rights to be visible on the development agenda (2005: 16). Human rights were an indispensable feature of liberation movements in the Third World. Decolonization period was a human rights struggle in itself. Neither nation building nor right to citizenship was given as a reward by the authorities during these liberation movements. It was due to such struggle that rights were spoken out and formed the basis for action for social justice (Cornwall and Nyamu-Musambi 2004: 1421). These discussions for a more just and humane world order took place under the roof of the United Nations. The following section will therefore; try to shed light to the parallel discussions that took place mainly under the roof of the UN.

2.1.2 Universal Declaration of Human Rights and Development

As it is said in the previous section; parallel discussions were taking place in the domain of international policy cycles with respect to convergence between human rights and development especially under the roof of the UN. One of the early stages

of this convergence took place within Universal Declaration of Human Rights in 1948.

The 1948 Universal Declaration of Human Rights (UDHR) corresponds to the emergence of the development era of 1950s, and represents one of the strongest statements of rights as the mechanism for human realization. The UDHR redefined the relationship between the individual and global political order that is characterized by rights and entitlements (Sano, 2000: 737) by declaring the individual to have right to both civil, political freedoms and to cultural, social and economic welfare; and by accepting those social and cultural rights indispensable “for the free development of” personality. (UNGA, 1948: Art 22).

Nevertheless; bipolar system caused the rights to be divided into two separate covenants throughout the Cold War years. It was not until the 1993 Vienna Declaration to secure rhetorical reconfirmation of the indivisibility that was obvious in the text of the UDHR (UNGA, 1993).

There were definitely further developments which proliferated in the 1970s leading the way towards the Vienna declaration. One of the landmark events was the Declaration of the Right to Development (UNGA, 1986), which was claimed by the governments of the South in the third UNCTAD meeting in 1972.

The UN World Conference on Human Rights in Vienna provided the momentum for the integration of human rights in the UN’s development agencies. First, the Conference reaffirmed in the Vienna Declaration and Programme of Action that

development was a right. Second, the Conference decided to establish the post of High Commissioner for Human Rights, a decision that reinvigorated the Geneva-based Centre for Human Rights. The creation of the Right to Development Branch in the newly-renamed Office of the High Commissioner for Human Rights gave an impetus to collaboration between the Office and other UN agencies. (Frankovits, 2006: 15). It was again far from the demands of the Third World in their search for right to development. It was a softened and diluted version of a declaration which reflected a broad compromise in the United Nations General Assembly, without any legal affect.

2.1.3 Right to Development

The 1966 International Covenant on Economic Social and Cultural Rights provided an important starting point which ended up in development as a concept which first entered the human rights lexicon through the debate on the right to development (Chowdhury et al., 1992; Malhotra, 2005; Sengupta, 2004). The idea was initiated by a Senegalese jurist Kéba M'Baye in 1972 during a period of radical debate about the New International Economic Order¹ (NIEO).

¹ The term was derived from the “Declaration for the Establishment of a New International Economic Order”, adopted by the United Nations General Assembly in 1974, and referred to a set of proposals put forward during the 1970s by developing countries through the United Nations Conference on Trade and Development to eliminate the widening gap between the developed and the developing countries in terms of trade, financial, and debt-related issues. This declaration focused on restructuring of the world economy to allow greater participation of developing countries (For further information please refer to the UN General Assembly Resolution A/RES/S-6/3201 for details)

After much legal dispute, where “jurists from South enumerated the possible subjects and objects of this right, while jurists from the North questioned whether it existed at all” (Barsh, 1991: 322), in 1986 the General Assembly of the United Nations adopted the Declaration on the Right to Development (UNGA, 1986). The declaration was adopted by a large majority with only one negative vote and eight abstentions. It was reaffirmed on the 1993 World Conference on Human Rights² as a human right, this time with a consensus, thus generating a prospect that it could be operationalized and put into practice robustly as other human rights. On 25 June 1993, representatives of 171 States adopted, by consensus, the Vienna Declaration and Programme of Action, which recognizes in its eighth Article that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing (UNGA, 1993: Art. 8). This has been reiterated at various international and intergovernmental conferences ever since³.

The first Article of the Declaration on the Right to Development states that “the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized”. Right to development is depicted therefore, as “a vector of human rights”; meaning that the development process must realize all

² The conference agenda included the examination of the link between development, democracy and economic, social, cultural, civil and political rights, and the evaluation of the effectiveness of United Nations methods and mechanisms with the aim of recommending ways to ensure adequate financial and other resources for United Nations human rights activities. For further information on the conference, please refer to <http://www.unhchr.ch/html/menu5/wchr.htm>

³ 1994 International Conference on Population and Development, the 1995 World Summit for Social Development, the 1995 Fourth World Conference on Women, the 1996 World Food Summit, the 1996 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the 2000 Millennium Summit and 2002 World Social Summit

human rights in an interdependent approach. It is an amalgamated right so any violations of any other right have an effect on right to development (Sengupta, 2005: 90).

An overlook of the articles of the declaration clearly reveals that the declaration encompasses social and cultural as well as economic aspects of development. The declaration aims at “constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom” (UNGA, 1986: Art 3).

The declaration positions states as the primary addressees of the right to development. They have the duty to formulate appropriate national development policies for this “constant improvement” (UNGA, 1986: Art 2/3). They have a key duty for the establishment of national and international conditions favorable to the realization of the right to development (UNGA, 1986: Art 3/1) and “the duty to co-operate with each other in ensuring development and eliminating obstacles to development” (UNGA, 1986: Art 3/3), as well as the duty to take steps individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development (UNGA, 1986: Art 4/1).

Despite these decent ideals, the adoption of the Declaration did little to lead to concrete outcomes. The debates surrounding the right to development remained highly politicized between North and South when there were attempts to

operationalize the declaration⁴. The number of positive votes casted by some of the industrial states ruthlessly plummeted when the proponents of NIEO tried to lay out a detailed plan of action to put the Right to Development into practice through a subsequent resolution which calls for international duties (Browly in Cornwall and Nyamu-Musambi, 2004b: 21)⁵. However in the 1980s, the development perception was a voluntary one that is free from precise obligations; in consequence the industrial countries perceived the second resolution as an enforcement of unfair obligations. (Cornwall and Nyamu-Musambi, 2004b: 21).

In the absence of a concrete detailed strategy; as a number of scholars argue; (Uvin, 2007: 598; Piron, 2002: 15-17); the text of the 1986 Declaration on the Right to Development could achieve nothing but reverberation of a broad compromise, due to the fact that the proponents of NIEO only had power to pass only nonbinding General Assembly resolutions (Normand and Zaidi, 2006: 290). It led to a plethora of theoretical debates; however the declaration -due to the fact that it was legally non-binding- had an unsuccessful track record. Present-day talk on rights-based approaches within development displays little awareness of the earlier struggles around the Right to Development. The absence of the Right to Development from the

⁴ 146 countries cast affirmative vote, in the first non binding declaration. Developed countries that voted for the declaration were Australia, Belgium, Canada, France, Italy, Netherlands, New Zealand and Norway. The single vote against the declaration came from the United States. Eight states abstained, including Japan, Germany and the United Kingdom. On the second binding resolution however, eleven states voted against (United States, Belgium, Canada, France, Germany, Italy, Japan, Luxembourg, Netherlands, Portugal, and the United Kingdom). The total number of affirmative votes fell to 133. Australia, which had voted in favour of the first resolution, abstained this time around. (Browly in Cornwall and Nyamu-Musambi, 2004b: 21)

⁵ This second resolution called for international co-operation so as to achieve sustained economic growth and increased concessional assistance to developing countries. It called on states to build world food security, resolve the debt burden, eliminate trade barriers, promote monetary stability and enhance scientific and technical cooperation (Browly in Cornwall and Nyamu-Musambi, 2004b: 21). See also Res 41/133 of 4 December 1986

rights vocabulary of international development actors is explained partly by a deliberate effort to steer clear of the controversies raised by its reference to global inequalities (Cornwall and Musambi, 2004a: 1423)

Yet it would be unjust to argue the efforts of right to development were totally in vain. Right to development was important for forming the basis of today's rights-based approach. Office of the United Nations High Commissioner for Human Rights (OHCHR) directly refers to the right to development and it also constitutes an element in the human rights mainstreaming and the development of rights-based approaches to development through the UN Development Group (UNDG) (Piron, 2002: 16).

2.2 Rights-based Approaches: Any New Thing under the Sun?

As it is said before the language of rights did not receive much sympathy in the development sphere. Why then rights talk has emerged in the circles of international development agencies, why agencies have shown less resentment (in some cases even enthusiasm) to the mid 1990s discourse on "rights-based approaches" to development? There are a number of factors which contributed to the rise of interest among development actors in rights-based approaches to development after the 1990s. A confluence of factors has led to the growing interest amongst development actors in rights-based approaches to development, each of which will be discussed below.

2.2.1 Demise of Cold War's Ideological Impasse

Changing global context has been one of the reasons behind the convergence of these human rights and development together. Superpower politics of Cold War had divided human rights into two different covenants: International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) reflecting political restraints. The end of the ideological stalemate of the Cold War liberated these rights from political restraints (Cornwall and Nyamu-Musambi, 2004a: 1423; Alston and Robinson, 2005; Donnely, 2005: 160). Such context has shaped and provided an emerging space for the convergence of human rights and development. Since the end of Cold War, the universal, indivisible, interdependent and interrelated nature of rights has become the dictum of development organizations, particularly right after the 1993 World Conference on Human Rights held in Vienna (UN 1993: Art. 5).

2.2.2 Failure of Structural Adjustment

Structural adjustment policies were policy changes that are demanded by the International Monetary Fund (IMF) and the World Bank in developing countries in order for the developing countries to continue getting new loans from the IMF or World Bank. Structural adjustment generally put free market into operation via conditionalities such as privatization and deregulation (Darrow and Tomas, 2005: 472). By 1985 the political pendulum has retreated from NIEO its aspirations of restructuring the global economic governance in favor of structural adjustment (Uvin, 2007: 598). Yet, proposed structural adjustment strategies of neoliberal

development failed to alleviate poverty; on the contrary; they exacerbated the conditions of the poor. Disastrous consequences of the structural adjustment voiced momentous criticisms against structural adjustment. (Jonsson, 2003: 6). These soared towards the end of the decade, especially with the book “Adjustment with a human face”, which showed that between 1981 and 86, developing world experienced the most ruthless and prolonged downturn. Exacerbation of child welfare has been reported in at least 8 countries in Latin America, 16 in Sub Saharan Africa, 3 in North Africa and the Middle East, and 4 in South and East Asia” (Cornia et.al. 1987: 287). ⁶This challenge towards the neo-liberal development paradigm, paved the way for a conceptual shift within development studies, and caused a rapprochement between the two domains.

2.2.3 The Increase of Development Indicators: Incorporation of Moral Ingredient

The 1990s also saw increasing endeavors in terms of the measurement of development; thanks to Amartya Sen’s and Mahbub ul Haq’s work on the human development paradigm. Their inexhaustible efforts have resulted in the incorporation of a number of new indicators into the development. Grounding their basis in Amartya Sen’s capability approach, human development approach paved the way towards a Human Development Index (HDI). Social indicators such as health, education and quality of life of the individuals begin to be articulated into the measurement of development in HDI (Hamm, 2001: 1010). Human development

⁶ This was originally the title of a 1987 UNICEF report detailing the negative impact of Structural Adjustment Programmes (SAPs) on health and education. The book emphasized growth rather than balance of payments, and combined the promotion of economic growth with protection of the vulnerable, and sought for macro-economic adjustment.

approach has brought a fresh breath to development focusing on enlarging people's choices. In that approach, poor are recognized as key actors to achieve self realization of their way of life. (Jonsson, 2003: 28; St. Clair, 2004: 181-182).

2.2.4 Globalization, Governance and the Convergence of Two Separate Realms

Contemporary globalization has also proven the previous social contract theories of human rights and classical economic growth model as ineffective given the level of interconnectedness within these two domains, letting the two fields –namely development and human rights- to converge. Human rights and development at the outset were regarded as two separate but parallel pathways. The domain of human rights was dominated by a legal discourse by philosophers, lawyers and human rights activists. Their basic aim was a legal reform and political pressure at the international level, through strengthening internationally recognized human rights norms, laws and standards (UNDP, 2000: 2; Sano, 2000; Dorsey and Nelson, 2003: 2014; Darrow and Tomas, 2005: 477) Development studies, on the other hand, were dominated by economists and focused on economic and social progress (UNDP, 2000: 2). Development in this case favored providing lip services to people at local level most of the time.

However contemporary process of globalization and its effects on governance have brought development to converge with human rights (Sano, 2000). According to governance, the government shares its power with other power-brokers such as local, national, regional or global NGOs, international organizations (IOs), transnational

corporations (TNCs). The nature of relations among these equally important actors was characterized in a less adversarial and competitive terms, they were characterized by harmony and partnership (Rhodes, 1997; Held and McGrew, 2002). This process had significant implications for a human rights regime based on the relationship between the state and the individual⁷ Such cooperative behavior opened up space for division of tasks, utilization of complementary capacities and relevant strategic decision making in both the fields of development and human rights. Being a power broker gave development NGOs a position to affect decisions hence they started to employ human rights discourse beyond its conventional legalistic range. This process was named as the second human rights revolution and was characterized as a new rights regime which diffused the human rights lexicon to the new areas (Ensor and Gready, 2004: 5-6).

2.2.5 The Role of Development NGOs

As stated in the previous section, international development NGOs have also played a crucial role and contributed to growing interest in rights-based approaches Molyneux and Lazar (2006: 3) identify that, during the 1990s there was a conceptual shift where various development NGOs started incorporating human rights into their policies and projects.

⁷ “Analysts of governance draw upon a Foucauldian understanding of the notion of power as dispersed and relational and argue that governance arises from a lack of capacity on the part of governments, acting alone, to effect desired changes. Instead, public power manifests itself through increasingly blurred boundaries between different tiers of government, the public and private, and between the state and civil society. Commentators are frequently inspired by Held (et al. 1999: 447), according to whom it cannot now be taken for granted that the loci of effective political power are national governments. Instead, ‘effective power is shared, bartered and struggled over by diverse forces and agencies at national, regional and global levels’. It is being “repositioned” and, to some extent, transformed by the growing importance of other less territorially based power systems” (Meehan 2003:)

This shift in understanding was largely because NGOs started to realize that short term approaches which aimed at alleviating the visible signs of poverty could not lead to a sustainable and steady development unless a strategic approach which also diagnosed and treated the underlying causes of poverty was implemented (Ensor and Gready, 2005: 21). This acknowledgment led many international NGOs to integrate human rights into development policies (Pettit and Wheeler, 2005: 1-4). Depicting poverty as a breach of human rights and preparing room for legal redress was a vision deficient in the earlier development paradigms (Hausermann, 1998; Hamm, 2001; VeneKlasen et al., 2004).

2.2.6 United Nations and Human Rights

A series of UN conferences⁸ in the first half of the 1990s also created a closer relationship between human rights and development. A number of conferences broadened and clarified the characteristics of human rights. 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. (Hamm, 2001: 1007; Mokhiber, 2001: 156).

⁸ Particularly important were the World Summit for Children 1990, the UN Conference on Environment and development 1992; World Conference on Human Rights in Vienna 1993; the International Conference on Population and Development 1994; World Summit for Social Development in Copenhagen 1995; and the World Conference on Women in Beijing 1995.

The former UN Secretary General Kofi Annan was the major driver of the incorporation of human rights into all efforts of the UN. His report entitled “Renewing the United Nations: A programme for Reform” in 1997 was a starting point aimed at establishing an organizational level reform strategy that called for the integration of human rights into the development work (and many other strategies)⁹.

A key development after his first reform within the realm of the United Nations was the appointment of the High Commissioner for Human Rights for “promoting a balanced and sustainable development” and “ensuring realization of the right to development” according to its plan of action (UNOHCHR, 2005: 35). Appointment of a High Commissioner aroused a worldwide interest on the crucial nexus between human rights and development (Mokhiber, 2001: 157). Establishment of such a non-political authority balanced rights-based approaches to development.

In the Report “In Larger Freedom: Towards Development, Security and Human Rights for All”, he reiterated that human rights is the basic theme of the UN by stating “We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights” (2005). This strategy further crystallized with the establishment of the UN Human Rights Council in 15 March 2006. According to the website of the General Assembly

⁹ In that report human rights were seen as cross cutting issues which was to be integrated into the work of all of the UN’s peacekeeping, development, humanitarian affairs, and other activities. In that report Kofi Annan presented a report to the UN General Assembly on his vision and proposals for UN reform. He placed “sustained and sustainable” development firmly at the centre of the UN’s reform: the “Agenda for Development addresses not only conventional development issues but also stresses the mutually supportive though complex relationships among development, peace, democracy, good governance and human rights. It affirms the United Nations role in the field of development, and identifies ways of reinforcing the capacities and effectiveness of the United Nations system in that field”. The reform focused on improving leadership and management structures throughout the UN system. The outcome of his proposals was, strengthened coordination through the UN Development Group at UN Headquarters and a focus on the integration of human rights in all principal UN activities and programmes.

Newsroom the UN Human Rights Council has been established by the General Assembly in order to “promote the effective coordination and the mainstreaming of human rights within the UN system”.

Parallel with these, several other developments took place at the UN level. A number of UN Specialized agencies such as the UNDP and UNICEF incorporated rights-based approaches to their policy programming and strategies. Their leadership was significant in the adoption of a UN Common Understanding on a Human Rights-Based Approach to Development Cooperation in 2003 (Frankovits, 2006: 27, 34).

2.2.7 Distancing the discourse of rights-based approaches from the right to development

Some scholars argue that the discourse of human rights-based approach was different from the Declaration on the Right to Development which clearly made references to structural inequalities in the global economic and political system. In the mid 1990s language, however there was no clear conception of human rights duties beyond that of one’s own state. Thus the rights-based approaches discourse was argued “to side step questions of Northern donor countries and multilateral corporate duties and obligations with respect to the rights of poor people in the South” (Pettit and Wheeler, 2005: 2). It was also due to the reluctance of states towards clear international obligations towards holder of these rights. According to Cornwall and Nyamu-Musambi these states now perceive the people as right holders; however they still

do not see themselves as bearing any international responsibility or obligation that adds to the concrete realization of these rights. Beyond the acknowledgment that the primary duty flows from the recipient state to its citizens, it was not clear where the developed countries and aid providers locate themselves in this equation (Cornwall and Nyamu-Musambi, 2004a: 1424-1425).

These developments and structural changes mentioned above have provided an enabling environment for the human rights to enter into the dialect of development. Undoubtedly there are other important factors that helped in building of a rights-based approach to development. For instance the quest for a normative discourse that concentrate on the needs of a globalized world operating through an international framework of rights, contributed also as a trigger (Hamm 2001: 1007, Mohan and Holland 2001: 180).

It is also misleading to argue that other contesting approaches withered away with the introduction of rights based approaches. The USA still continue to rebuff economic social and cultural rights. Structural adjustment has since been rebranded and found new home in some Poverty Reduction Strategy conditionalities, rather than having been displaced entirely; the broader neo-liberal paradigm lives on through economic globalization (Hamm 2001: 1007). The aforementioned developments have created an enabling environment for the convergence and interaction of human rights and development in a new paradigm to which international actors have shown less antagonism; yet it is an ongoing process (Cornwall and Musambi, 2004: 1423)

After the depiction of the conditions and factors leading the way towards the rights-based approach; the subsequent section will portray the conceptual framework of the approach in detail in the next section.

2.3 What Is a Human Rights-based Approach to Development?

There is no agreed-upon definition of the human rights-based approach to development. There are a vast number of definitions to the approach. It would be appropriate, therefore, to mention about the most cited definitions.

According to the Former United Nations High Commissioner for Human Rights, Mary Robinson, the human rights-based approach means “describing situations not in terms of human needs, or areas of development, but in terms of the obligation to respond to the rights of individuals. This empowers people to demand justice as a right, not as a charity.” (in Pais, 1999: iv)

The Human Rights Council of Australia sees development as a subset of human rights and argues that “human rights and development are not distinct or separate spheres and, therefore, that the question is not how to identify points of actual or potential” (1995: 25-26).

Jorge Daniel Taillant, in his presentation in the World Social Forum in 2002, argued that human rights-based approach to development “has to do with the rethinking of

our problems looked at through a production and growth-focused framework, and shifting towards an approach more in tune with our objectives as society.”

The United Nations Office of the High Commissioner for Human Rights (OHCHR) sees human rights-based approach as

a conceptual framework for the process of human development for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights...A rights-based approach integrates the norms, standards and principles of the international human rights system into the plans, policies and processes of development. (2006: 15)

Nowak characterizes the approach as the one that is based on the overt acknowledgment of a legally binding normative framework with rights, entitlements, duties, responsibilities and accountability. (2005: 22-26) Being a legally binding program, it seeks to scrutinize disparities which lie at the nucleus of development problems and remedy discriminatory practices and unjust distributions of power that impede development progress.

Another helpful description belongs to Cooperative for Assistance and Relief Everywhere (CARE) which states that

A rights-based approach deliberately and explicitly focuses on people achieving the minimum conditions for living with dignity. It does so by exposing the roots of vulnerability and marginalization and expanding the range of responses. It empowers people to claim their rights and fulfill their responsibilities. A rights-based approach recognizes poor, displaced, and war-affected people as having inherent rights essential to livelihood security – rights that are validated by international law (Hansen and Sano, 2006: 41)

The multiplicity of definitions results in a common argument that there is not one human rights-based approach but rather rights-based approaches to development. These definitions nevertheless, share several commonalities. All of the definitions

quoted above relate a rights-based approach to a particular type of development: one with a focus on equity, empowerment and participation. Interpreted this way, a right based approach becomes an integral element of a human development approach characterized by key concepts such as universality, indivisibility, participation, capacity development, empowerment, and support for vulnerable groups.¹⁰

The key principles of a human rights-based approach accepted by most of the development agencies, that are laid down in the documents of various UN organs (UNDP, 2005; OHCHR, 2006; Frankovits 2006) are as follows:

- Universality and inalienability: Every human person in the world is entitled to human rights. They cannot be given up or taken away.
- Indivisibility: Civil, political, social, economic and cultural rights all have equal status as rights. None of them can be secondary to each other in a hierarchical manner.
- Holistic Approach: A human rights based approach facilitates an integrated response to development considering the overall milieu while developing a strategy as sectoral policies may have egregious effect on the success of the policy.
- Equality and non-discrimination: Each and every human person is entitled to human rights without any discrimination.
- Participation and inclusion: Every human person is entitled to participate in decision-making process freely and meaningfully and to contribute towards their self development.

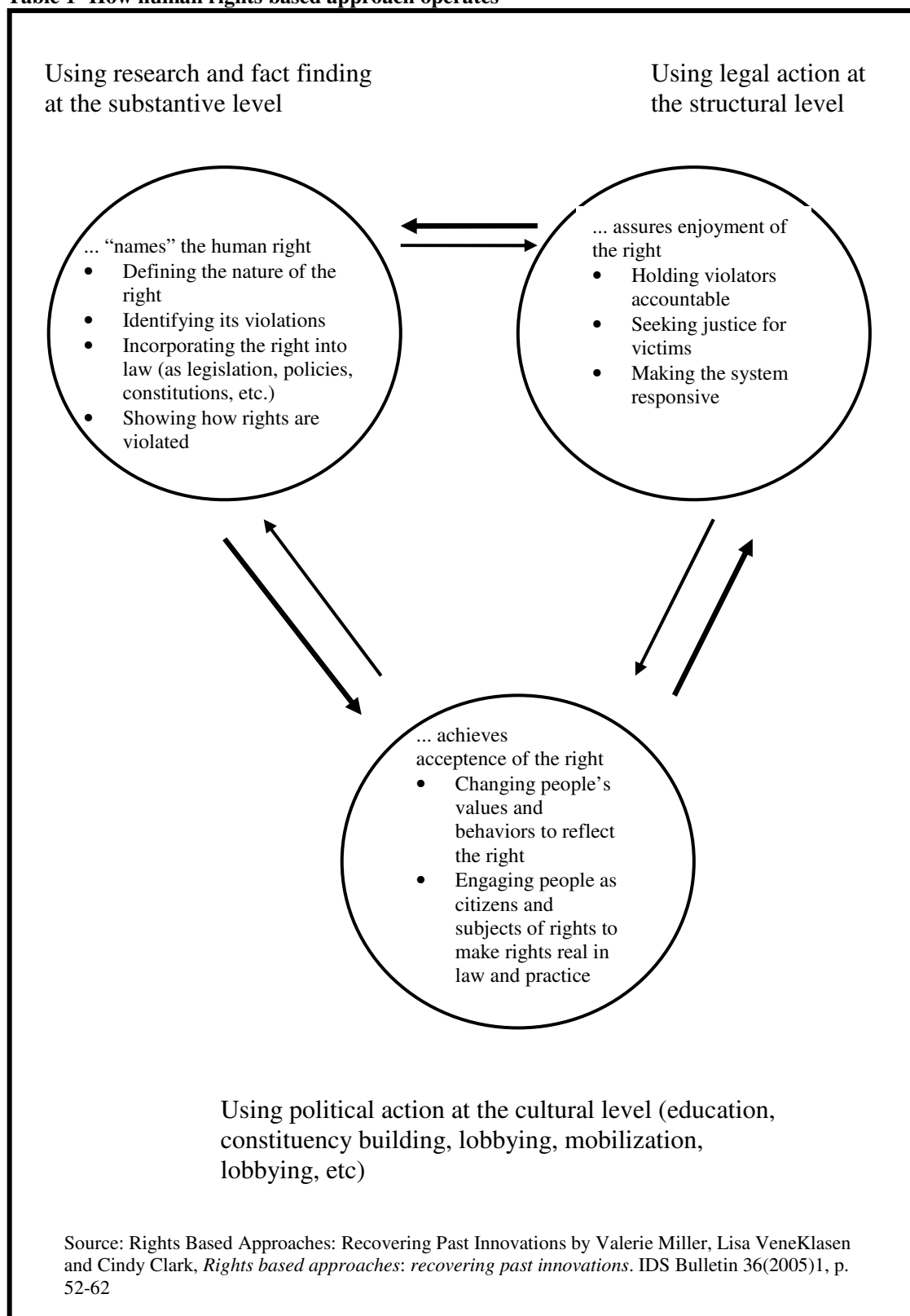
¹⁰ The human development approach became a strategy of organizations such as UNDP and UNICEF during the late 1980s and early 1990s. Development with a human face, based on conceptions of human capability, poverty eradication, participation, environmental safeguards, and gendered empowerment were characteristic traits.

- Accountability and the rule of law: States and other duty bearers should abide by human rights. Right holders are entitled to seek remedy when duty bearers fail their responsibilities.

Focusing on abovementioned characteristics, many scholars and development practitioners argue that application of a rights-based approach to development can engender a number of advantages and opportunities to the existing development practice, which will be shortly discussed in the following section. Under a rights-based approach, the plans, policies and processes of development are connected to a system of rights and obligations grounded in international law, within which principles and standards¹¹ derived from international human rights treaties guide all development cooperation, according to which breaches can be monitored (refer to the schema on the next page). Within this structure, right holders have the right to demand from duty bearers, who have a duty to act (Uvin, 2007: 599). Such structure, therefore, helps to sponsor the sustainability of development work by empowering people and strengthening their capacities to take part in policy making (OHCHR, 2006).

¹¹ Among the standards are: universality and inalienability; indivisibility; interdependence and interrelatedness; equality and non-discrimination; participation and inclusion; and accountability and the rule of law

Table 1 -How human rights based approach operates



2.4 What does Human Rights-based Approach Add to Development Discourse?

It is argued that human rights-based approaches put an emphasis on accountability which not only covers recipient governments, but also bilateral and multilateral donors, private contractors and development agencies (Frankovits and Earle, 1998: 2-4; Hamm, 2001: 1031). It also encloses internationally accepted human rights standards to offer as a common framework for assessing and guiding sustainable development. By adopting a rights-based approach, development donors and actors could have a wider legitimacy in advocacy and other work in the realization of human rights (Moser and Norton, 2001: 8). It emphasizes participation as a human rights issue. Hausermann also points out that rights based approach is valuable because it brings into the picture people who would otherwise be without protection (Hausermann, 1998: 22-24). Van Tuijl also (2000: 617) 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.

The UNDP argues that a human rights-based approach to development 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 another (UNDP, 2000). According to the Human Development Report of 2000, human rights adds value to human development by providing accountability in the social systems by defining rights, responsibilities and entitlements. Accountability is a central constituent of the human rights-based approach, as it draws the boundary between rights and charity by holding those who have a duty to act accountable, ensuring

effective remedies where rights are violated (Jonsson, 2003: 24, 48; Hamm 2001: 1012). Human rights thinking also offer tools for monitoring of state commitments with the help of human rights treaty bodies, and through public and independent assessments. Human development on the other hand, creates an “enabling environment” in which people’s capacities can be enhanced and their range of choices expanded (UNDP, 2000: 29).

As human rights is based on broad consensus over the content of human rights by providing a common frame of reference to which the states themselves have agreed by accepting its principles; they can also bring significant changes and can provide a room for sustained success in development (UNOHCHR, 2006). Scholars argue that development is a matter of fulfilling human rights, then states have legally defined obligations to protect and promote their citizens’ rights to food, health care, education, etc., and to choose a development path that moves rapidly toward their fulfillment (Dorsey and Nelson, 2003: 2014; Hamm, 2001: 1015).

A human rights-based approach finally focuses on the excluded and marginalized groups, and those whose rights are at risk. A commitment to rights, which overcomes technical development assistance, stimulates a political transformation, putting legal and technical processes into daily mundane. Such transformations can challenge established, often hierarchical, structures within society and are therefore can create stronger structures (Ensor and Gready 2005: 23; OHCHR, 2006).

2.5 Criticisms

Human rights-based approaches have craved particular attention after their adoption by various development agencies. However this adoption has not freed the approach from criticisms. The present section makes reference to challenges at the front, and criticisms directed to the human rights-based approach to development.

The first criticism is related to the overstatement of the legal characteristic of human rights-based approach to development. As Andre Frankovits points out, there are several limitations to the legal dimension of human rights based approach. The first limitation is related to lack of precise legal monitoring mechanisms. Since the human rights based approach has not yet been translated into a binding document, the twin covenants are still in effect. However monitoring mechanisms of International Covenant on Economic, Social and Cultural Rights (ICESC) are weaker relatively to those of International Covenant of Civil and Political Rights (ICCPR). The optional protocol to the ICCPR makes it possible for individuals to bring complaints to the Human Rights Committee after all domestic legal options are exhausted. ICESC lacks such a precedent-setting body which makes it impossible to request remedy in case of violation (2005: 5-6). More important than the lack of legal redress mechanism is the fact that, most of the developing states lack the permissible mechanisms for national enforcement. Even though these states have these legal systems, the poor most of the time may not access to these instruments (Cornwall and Nyamu-Musembi, 2004: 1432-1433). Therefore, making law work for the poor is an additional challenge facing the approach.

The second criticism is related to the multiplicity of meaning which hamper systematization of practice. Darrow and Tomas (2005: 472) draw attention to the lack of conceptual clarity which hinders alternative streams of monitoring mechanisms at the society level. Alston (2005: 756-759) bases his criticism on a similar direction arguing that proponents of the approach tend to embrace too many dimensions and concerns. Claiming the significance of all human rights in all development strategies however reduces the level of success. He therefore, calls for a realistic inclusion of human rights, which also takes difficulties into account, and case specific identification of priorities.

Another criticism that can be directed towards the approach is the lack of empirical evidence to conclude that a rights-based approach makes a development policy more effective, more sustainable or more authentic. The UNDP has solved the problem by implementing a human rights checklist. Its purpose was seen as a method for programme staff to examine their own practice and a way to structure the human rights reviews (Frankovits, 2006: 31). However scholars like Darrow and Tomas criticized that it is a “simplistic recipe” dipping the transformative character of the approach to a technocratic one for the sake of generalization (2005: 482-483).

Peter Uvin has also emerged as one of the leading critics of the human rights-based approach to development. For Uvin, the widespread use of human rights language among development agencies only leads them to a position of “moral high ground” (2002: 1). Taking the moral high ground, according to him, inoculates development agencies and protects them from addressing the failure of development in the past forty years. He argues that incorporation of human rights to development do not lead

to momentous changes in development practice or impacts (2002: 2-4). For Uvin, the recent human right talks are only cosmetic changes driven by former failures i.e. exacerbation of poverty, and persistence of underdevelopment after six decades of development assistance. According to him:

[t]he prime reason why development agencies adopt such language with its deliberate obfuscation 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 the 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, it does not force anyone to think or act differently (Uvin 2002: 4)

Jack Donnelly, on the other hand, has based his criticisms on theoretical ground. He argues that:

Sustainable human development simply redefines human rights, along with democracy, peace, and justice, as subsets of development. Setting aside the fact that neither most ordinary people nor governments use the term in this way, such a definition fails to address the relationship between economic development and human rights. Tensions between these objectives cannot be evaded by definitions. (1999: 625).

Uvin also quotes Donnelly and further argues that working “the link between development and human rights requires a deeper approach rather than simply arguing that one automatically implies, equals, or subsumes the other” (2002: 3).

Rights-based approaches face considerable challenges in its search for promoting change and transforming relations of power functions (Chapman, 2005: 1-2) just like its predecessor: right to development. In order to transform the structures and power relations which bring about everlasting poverty, developed states are required to admit their role in these structures, and take responsibility. However, as Cornwall and Musambi argue, existing language of rights-based approaches is most of the time

analyzed at the state level with little mention about international commitment and responsibility (2004: 1424).

All these criticisms demonstrate that translating the abstract benefits of human rights rhetoric from policy into practice is a challenging and tricky process. There are problems of conceptual vagueness, and problems of legal enforcement. The potential of rights-based approaches to transform existing power relations is only possible if each party understands and commit themselves to their role in this process. Only a systematic approach which sets case specific digestible priorities and realistic timeframes can overcome these challenges.

Here in this chapter one can observe that there are several different definitions to the rights-based approaches to development paving the way towards a conceptual imprecision. Among other reasons that are listed in this chapter, this thesis argues that ideational factors are also important within implementation of the human rights based approach to development. In order to understand under what conditions human rights based approaches are incorporated into the policy language of the multilateral development organizations, one should understand the framing of the development idea within this organization. The next chapter will therefore aim to understand and explain the role of ideas in multilateral development organizations.

CHAPTER III

HOW IDEAS FRAMED IN DEVELOPMENT INSTITUTIONS

What we observe in the last two decades is the language of human rights in development at a frequent rate. Up until now the milieu giving rise to rights based approaches to development has been scrutinized. What is observed from the previous section is that there is an abundant number of rights based approaches, some of which sometimes can contradict to each other. However few scholars criticize this conceptual vagueness. Basing its main curiosity this chapter tries to find out under what conditions rights based approach to development is incorporated to and how is implemented in international development institutions as a development idea. The argument claims that ideas matter in policy making, and the implementation of rights based approaches heavily depends on how the idea is framed. Consequently, in order to understand the role of human rights in development, one should understand the role of ideas in multilateral development institutions. This chapter therefore aims at conceptual elucidation and gives a theoretical background for the case study chapter.

3.1 Ideas and Framing: How does it occur?

In the previous section the emergence of rights based approaches as a new development fad was examined historically. This chapter will look at the human rights based approaches as a development idea. Although it is often underestimated, ideational factors matter in diverse domains of world politics. It is remarkable because it is observed that among a number of ideas some are ideas are selected and converted into policy (Boas and McNeill, 2004: 2). This present section will try to uncover the embracement of human rights based approach to development.

The definition of idea used within this thesis is a thought or suggestion about a possible course of action which influence the course of action. Ideas may be composed of several slogans or buzzwords but they are more than these slogan or buzzword as they have a reputable intellectual basis in academia but they have found voice in the field i.e. ideas are “able to operate in both academia and policy domains” (Boas and McNeill, 2004: 1). Social and political ideas can be taken from the academia and institutionalized as normative frameworks governing the social relations. Once they become embedded in rules and norms of the institutions i.e. they become institutionalized, they specify policy (Goldstein and Keohane, 1993).

Ideas are important in multilateral organizations because how ideas framed can lead the policy to a certain direction. The process of framing refers to the “conscious strategic efforts by groups of people to fashion shared understandings of the world and of themselves that legitimize and motivate collective action” (McAdam et al., 1996: 6). “By rendering events or occurrences meaningful, frames function to

organize experience and guide action, be it individual or collective” (Snow, 1986: 464; in Joachim, 2007: 19). Thus institutions applying framing process emerge “in part as signifying agents” which “assign meaning to and interpret relevant events and conditions” (Snow and Benford, 1988: 198; in Joachim, 2007: 19). They permit plausible and implausible descriptions (Apthorpe, 1996: 22-25). In the long run, academic ideas, that are boxed up and construed in a particular way, can attain resilient policy impact by becoming institutionalized, and can be taken for granted (Babb, 2009: 10).

An analysis which utilizes framing is of particular importance. As Campbell argues framing “captures how actors deliberately package and interpret ideas to convince each other as well as the general public, that certain policy proposals constitute acceptable solutions to pressing problems” -a point often overlooked by historical institutionalists- (in Joachim, 2007: 19). If frames are that influential in shaping the policies in certain directions, they can be a source of power. Hence as Boas and McNeill argue (2004: 2) multilateral organizations exercise power by framing.

Another characteristic of framing is that it also accepts the intersubjective character of policy making like constructivists. What it adds to constructivism is that it also attention to the conflict over these shared understandings. (Barnett in Joachim, 2007: 19).

And the final characteristic of framing is that it is empirically observable, which differentiate the process of framing from ideology. Framing processes are not only intellectual entities. They have their roots in the academia, however they also operate

through social action over and over again (Boas and McNeill, 2004: 3; Snow and Benford, 2005: 210). Thus framing can be scrutinized, if the continued patterns are traced by looking at outputs such as policy papers, written and oral sources within which the policy is referred to.

The exercise of framing, according to some scholars, is sustained in two ways: Firstly framing process draws attention to a particular issue how that particular issue is regarded as a problem and why this specific issue deserves urgent attention. Secondly framing determines how that particular issue is represented what should be included, and what should be excluded in policy discourse (Boas and McNeill, 2004: 1; Moncrieffe, 2007: 2). An effective frame is one that seems in line with common sense with minimum of conflict or pressure even though it conveys different meanings to different audiences (Boas and McNeill, 2004: 2).

There are two different opinions about the motive behind framing. The former one is related to the reciprocal relations between political actors and multilateral institutions. As Lipson has suggested, “[a]n ongoing regime provides a significant context for the framing of national policies. Multilateral arrangements and institutions may constrain the policy process, provide new opportunities and sources of support for some policy makers and ultimately influence the choice of national choices” (in Karns and Mingst, 2004: 104). According to this approach international institutions are foras that act as a functional apparatus of states in order to sponsor a specific economic perspective. National governments facilitate framing either absolutely invalidate or deform challenging new ideas, for the sake of their well-being (Boas and McNeill, 2004: 4-5).

The latter one is related to the functioning of power within the institutions themselves. Multilateral organizations are necessarily consensual and technocratic in which functional characteristics are over emphasized. Thus whenever a new idea emerges within a multilateral institution, they have to be assimilated into a consensual technocratic model where instrumental functions preponderate over critical ones (Boas and McNeil, 2004: 2; Brock and Cornwall, 2004: 2-3).

These two assertions, as Boas and McNeil argue, share a common denominator: depoliticization i.e. removal from the realm of politics. One motive behind depoliticization is related to political neutrality. Multilateral institutions are not always a unitary block, there are different actors which have different interests and different worldviews (Brock and Cornwall, 2004: 2). In fact multilateral institutions are a combat zone where different actors bargain. As Apthorpe declares, “rival ways of naming and framing set policy agendas differently” (1996: 25). When a new idea emerges within an organization it is not always welcomed. Newly emerging ideas can carry a conflictual character i.e. they may be resisted on political grounds, however the conflictual character of ideas more often than not remain hidden because multilateral institutions usually tend to estrange themselves from politics by adopting a policy of political neutrality. This policy of neutrality is denoted in the foundational documents of these organizations. (Boas and McNeill, 2004: 4)

The rationale for the process of depoliticization also relates to the technocratic structure of these organizations. Multilateral organizations look for creating a global consensus around certain ideas that they see as important for their policy purposes i.e. “a collective image of world order (including certain norms) and a set of institutions

which administer the order with a certain semblance of universality” (Cox, 1981: 139). Development institutions therefore tend to engender their discourse, and create a structure of knowledge about the object (here the object of development), on which consequent interventions are based (Ferguson, 1994).

Thus, ideas assume an essential role in multilateral institutions. Every development organization is a complex agent, not just a monochrome block speaking with one voice. The way policies operate in an organization count on a number of non-exhaustive factors: institutional structure and voting procedures, culture, standard operating procedures, the nature of existing bureaucratic pulling and pushing etc. (Sikkink, 1991: 21-26; Woods, 1995: 169-170; Allison, 1999). In such a complex framework, published policies of development agencies can be seen as of common interest. However this common interest can be constructed by certain people bolstering the power of some and erode the power of the others (Woods, 1995: 172-175). These ideas can be translated into a successful discourse coalition carrying various interpretations of the same concept. Individuals in the group may relate their earlier independent practices to one another and build a “common political project” within which their independent practices acquire significance although some of those individual practices do not necessarily echo others within the same agency when these independent practices are scrutinized separately (Hajer, 1995: 65). Thanks to ideas which contain buzzwords that embrace a range of conditional and relational meanings; policy outputs are perceived as common sense (Brock and Cornwall, 2004: 2). Only a deeper analysis looking at negotiation and policy making phases would disclose divergences over perspective and meaning.

3.2 Institutions: Definitions and Conceptualizations

This thesis asserts that institutions may exert power by framing. Power can be exercised in the formation and maintenance of institutions, within and among institutions. They can reflect power relations, constrain them or provide the basis for their existence (Baldwin, 2002: 187). But before elaborating further on this topic it is necessary to define institutions.

The scholarship on international institutions has burgeoned as international politics has become more institutionalized and international organizations proliferated over time. The term international institution has been used firstly in the context of the UN system as “organizational theory”. This formal organizations theory is still an important research area since they scrutinize the agency (Martin and Simmons, 2002: 192). These entities are argued to transform agendas and goals (Cohen et al., 1972 in Martin and Simmons, 1998: 730-732; Cyert and March, 1963 in Martin and Simmons, 2002: 193). These entities can also function as creators of meaning and identities (Olsen, 1997 in Martin and Simmons, 2002: 193).

The study on international regimes has moved a step forward, denoting the role of norms in the multilateral arena. Krasner’s definition stresses “sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge in a given [issue-area]” (1983: 2). A parallel definition has been put forward by Keohane and Nye, who highlight “sets of governing arrangements [that include] networks of rules, norms and procedures that regularize behavior and control its effects” (1977: 19) constituting “persistent and connected sets

of rules and practices that prescribe behavioral roles, constrain activity and shape expectations” (Keohane and Nye, 1977: 732)

The regimes theory takes a good start in terms of introducing the importance of governing arrangements, rules and principles. However, apart from converging around a set of implicit or overt principles, these rules also govern international behavior. This thesis shall follow the term international institutions as sets of rules meant to govern international behavior (Simmons and Martin, 1998) and follow the definition used by Oran Young. Multilateral institutions, according to him are “recognized practices consisting of easily identifiable roles, coupled with collections of rules or conventions governing relations among the occupants of these roles” (Young, 1986: 106). Following the definition he also makes a distinction between institutions and organizations. Institutions according to him are socially constructed arenas (which can be defined as structure; whereas organizations are “physical entities possessing offices, personnel, equipment, budgets, and so forth” i.e. agencies (Young, 1986: 108).

3.3 Adding the missing link: The room for power

Much of the study on institutionalism over the past couple of decades has been rationalist in method and technocratic in character. The proliferation of international institutions is commonly associated with globalization and with increased levels of transnational exchange and communication. Institutions are needed to deal with ever more complex dilemmas of collective action that emerge in the globalized world.

Institutions help self interested egoist states to overcome the collective action problems arising from increased interdependence and interaction (Acharya, 2001: 3). It is around this basic insight that liberal institutionalism is constructed and developed. Institutions are viewed as purposively generated solutions to different kinds of collective-action problems. Norms, rules and institutions are generated because they are rational and functional for states in order to deal with common problems (Keohane, 1984: 90). Other than their functional benefits, they also alleviate the effects of swift power politics via transnational politics and thereby constrain the powerful (Ikenberry, 2001: 37)

As for the liberal theory, an arguable gap in liberalism is that they shun from recognizing the full range of roles that power plays within and around institutions.

Liberal program support a “progressive enmeshment” as Hurrell identifies;

which develops the Kantian notion of a gradual but progressive diffusion of liberal values. The dynamics here are provided by notions of emulation, learning, normative persuasion and technical knowledge. As indicated before this image do not deeply mention about the roles played by coercion and conditionality and circumnavigates too delicately around the importance of power hierarchies. (2005: 52)

Moreover the liberal theories as mentioned above define institutions too narrowly: they associate institutions with functional political apparatus (Joachim, 2007: 3). Neorealist theories employ power, however, they are mostly skeptical of institutions and they do not recognize their importance for understanding power. They analyze power only in terms of actual physical capabilities (Bieler and Morton, 2004: 87). As both liberals and Gramscian theorists have long recognized, such an approach ignores the obvious point that power is relational i.e. “power is established and exercised through human interaction at different levels” (Chapman, 2005: 12).

Arguing that norms, rules and institutions are more than functional apparatuses and stating that international system also contain a relational and normative source of power is an important starting point for this thesis. Ruggie points out, international economic order is determined by “a fusion of power and legitimate social purpose”; therefore it is “necessary to look at how power and legitimate social purpose become fused to project political authority into the international system” (in Lang, 2006: 86). Only when one starts to deconstruct the meanings and values i.e. what is included and what is excluded s/he starts to see how the system is organized, structured and regulated. (Barnett and Duvall, 2005: 7-8).

Foucault argues that power is ever-present in all social relations and its effects frame the margins of action for the subjects (in Brock et al., 2001: 5-6). Institutions can be seen simply as a functional apparatus, but in fact there are well-built values running this device. These built-in values bear political constraints with themselves. According to Cox the ability to validate, rationalize and preserve a particular political or economic project proves to be one of the most important roles of the institutions, proving to be a normative source of power (in Taylor, 2004: 125). Elements of this normative power can also be found in the writings of Galtung. He states ideological power as the power of ideas and further argues that ideological power is powerful as “the power-sender’s ideas penetrate and shape the will of the power-recipient” (in Manners, 2002: 239).

In order to disclose the elements of normative power one should deconstruct practices by looking at the language, conceptualizations, and policy definitions. Deconstructing

practice is an important phenomenon as it discloses issues such as who take part and who does not, whose voice matters, and whose vote counts, who define policies etc. (Bieler and Morton, 2004: 86)

Such practice is crucial as the dominant trend in international politics has neglected values and values conflict. Theories of global governance treat values as harmonious and conflict-free. Such tendency to see values as conflict free can stem from the fact that a great deal of institutionalist writing has been concerned with the creation of institutions within the developed world (such as the UN, the World Bank, the European Union) (Barnett and Duvall, 2005: 35-36).

Then one must understand the wide range of ways in which power and governance intersect. It is therefore that this thesis facilitate from neo-Gramscianism as it gives equal footing to both agency and structure. The reason why the constructivist approach was not directly used is due to the fact that although constructivists portray “the social world as intersubjectively and collectively meaningful structures and processes” (Adler, 2002: 100), they underestimate if not totally close the eyes to the role of agency, treating them as the passive recipients of structure (Joachim, 2007: 3) Constructivist approaches overlook to the fact that, it is the agent constructing the social relationships which endow them with power.

After having elaborated on the theory of framing, and explaining the rationale for employing framing with a neo-Gramscian approach instead of other theories of institutionalist literature given the fact that the liberal theories define institutions narrowly as functional political apparatuses; and neorealist theories are generally

skeptical of institutions and they do not recognize their significance for understanding dissemination of power; this study will focus on the human rights based approaches as an idea, and try to elaborate on the role of human rights in development as an idea and then will theorize the framing of human rights in development in general.

3.4 Rights based Approaches, Moral Authority and Institutions

In the previous sections it is argued that institutions apply framing to engender shared understanding of the world and thereby generate space for collective action. By exercising framing, institutions blanket conflicts over meanings through successful discourse coalitions even though policies are generated by a handful of people. As a result even though the meaning is regarded as common sense, power continues to operate in favor of those who constructed meaning at the outset.

If framing is related to power and if institutions generate knowledge by defining and redefining meanings, then it can be argued that discourses are framed according to a deliberate strategy identifying what is “doable and thinkable” (Eyben, 2005: 23). Employment of framing does not mean concentrating upon words and ignoring actions. Successful frames do not only affect language and discourse, they also affect actions that are associated with these discursive languages. Through deconstruction of these discourses, and close examination of these concepts, definitions, practices, statements and beliefs associated with discourse, the effects of power can be observable (Eyben, 2005: 23).

International organizations, in general, assert to sponsor the common good for all, and they owe their *raison d'être* to sponsoring common good for the people. But they also compete with each other – for resources, status, influence etc. They seek, to varying extents, to exert influence over “global ideas” such as poverty, underdevelopment global governance, through reports – such as the World Development Reports of the World Bank, and the Human Development Reports of the UNDP – and other activities, such as conferences and seminars (McNeill and StClair, 2009: 4-5). In these reports and seminars they utilize a particular language that is framed according to their own discourse. The success, dissemination and broad acceptance of their definitions increase their influence in the development.

Moral authority, i.e. sponsoring the common good for all, is an important source of global power. Aspiring normative ideas may direct multilateral institutions to seek more effective power to appeal to people's commitment (St. Clair, 2004: 188). “Moral authority acquires utility as a power resource when it becomes socially embedded in a system of actors whose social identities and interests impel them to recognize it as a power resource” (Hall, 1997: 594). In international development organizations, moral authority refers the well-being of the poor.

A significant manifestation of the concern with global poverty and development today has been the ever-increasing use of the language of human rights. International organizations, nowadays, gradually begin to utilize the language of rights based approaches in their policy documents so as to make use of the moral authority attached therein (St. Clair, 2004). There is a multiplicity of definitions peculiar to organizations utilizing rights based approaches, and each frames the concept their

own way. The interesting point is that, all definitions carry a number of buzzwords such as empowerment, accountability, poverty reduction etc.¹².

Taking what prospect is presented from the language of moral authority –in particular within the context of rights based approaches- is also related to the contemporary human rights regime which is made up of a number of overlapping global and regional institutions, declarations and conventions (Held et al., 1999: 67). Human rights have long been institutionalized within the International Bill of Rights; yet; there are still a vast number of international and regional human rights documents and a number of institutions within which conventional interstate politics keeps on to reign over institutional level of politics. Hence a scrutiny over politics of rights should therefore be aware of institutional and international power politics, which may put institutional compromise and conformity before advancement of human rights or redress of alleged abuse. Even within the space of the UN, advancement of human rights is often equated solely with institutional reform¹³ (McGrew, 1998: 198)

The framing of human rights as a development idea, therefore, depends on a confluence of factors:

- 1) Who frames what (Who put forth that idea, and how s/he justified its need?)

¹² For a detailed analysis refer to Susan Appleyard: (2002) “A Rights based Approach to Development: What the policy documents of the UN, development cooperation and NGO agencies say”(OHCHR Asia Pacific).

¹³ See for instance An Agenda for Peace Preventive diplomacy, peacemaking and peace-keeping: Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992, In larger freedom: towards development, security and human rights for all: Report of the Secretary-General in General Assembly 21 March 2005

Leadership capacity and expertise is an important factor in the incorporation of ideas. For example the concept of development ethics today is established by Amartya Sen and and Matha Nussbaum. Leadership of Mahbub ul Haq opened a space for normative agenda by institutionalizing human development in the Human Development Report Office (McNeill and St. Clair, 2009: 32-37).

2) Consistency with the organization's traditions and belief systems

The cultural and administrative heritage of accepted practices built up over the course of organizations' histories, and they play an important role in determining the future range of policy choices. It partly explains why human rights have been embraced in the UNDP better than that of the World Bank. UNDP has been integrating normative items on its agenda since the beginning of the 1990s. The World Bank has always dominated by the econo-centric outlook. Most of its staff has economics backgrounds, which makes the organization hesitant to embrace discourse of ethics and human rights (Sindzingre, 2004; McNeill and StClair, 2009: 111).

3) Mode of operation (How democratic is the organization, and what the level of centrality is).

The mode of operation can also put a severe constraint on the incorporation of ideas. Approval of new ideas would be different in an organization, in which decisions are taken according to quota subscriptions such as IMF. Ideas would

be incorporated differently in two organizations if the former is characterized by a more centralized structure, whereas the latter is characterized by a more decentralized -loose- type of structure.

Briefly, the argument claimed here was that ideas have substantial importance in policy making, and the incorporation of human rights based approaches differs according to its framing. Consequently, in order to understand the role of human rights in development, one should understand the role of ideas in multilateral development institutions. The next chapter will scrutinize the UNDP, as a multilateral development organization employing a human rights based approach to development unlike many other counterparts. Next chapter aims to see how human rights based approach is framed within UNDP, and why the Programme is so keen to adopt rights based approach to development.

CHAPTER IV

THE UNDP AND HUMAN RIGHTS BASED APPROACH

As it was argued in the previous chapter, ideas have power in themselves and they circumscribe action. In this thesis, the concept of “framing” has been used to study how powerful organizations, and also, perhaps, powerful disciplines, influence both thought and action in the field of development. The UNDP has been scrutinized which, according to the argument, uses rights based approaches to development in order to deepen human development approach.

The success of ideas does not always depend on their academic parsimony. On the other hand, previous research proves that the success of ideas relies on their acquiescence, i.e. “those that can be interpreted to fit a variety of differing

perspectives, achieving consensus by conveying different meanings to different audiences” (McNeill, 2006: 334). Such was the case in rights based approaches to development. The approach has been incorporated into the policies of a number of development actors; however each defined the approach in its own way¹⁴.

This thesis focuses on human rights based approaches within the space of the UN, by concentrating on the UNDP. There are a number of factor behind the selection of the UNDP a case study which will be discussed in the next section.

4.1 Why UNDP?

The United Nations Development Programme, following its own definition from its website, is “the United Nations’ global development network”. Operating in 166 countries, the UNDP is the world’s largest multilateral source of development assistance in terms of the range of country offices, as well as playing a significant co-ordination role for the UN’s activities in the field of development. This is mainly executed through its leadership of the UN Development Group and through the Resident Coordinator System. However the motive behind selecting the UNDP is not only due to its scale, or due to its vast number of country offices. It is also an important factor that the UNDP is emerged as a key actor in generating a harmonized

¹⁴ Australian Agency for International Development (AusAID), Canadian International Development Agency (CIDA), Danish International Development Agency (DANIDA), Department for International Development (DFID) – United Kingdom, European Commission, Japan International Cooperation Agency (JICA), Norwegian Agency for Development Cooperation (NORAD), Swedish International Development Cooperation Agency (Sida), Care, Catholic Relief Services, OXFAM, • Save the Children – Sweden, • UNAIDS, United Nations Development Fund for Women, United Nations Development Programme, UNICEF, World Bank, World Health Organization

approach: “a common understanding” regarding the rights based approaches within the UN, and has achieved a lot since the release of its 1998 strategy document on human rights and sustainable human development unlike its counterpart World Bank which is said to employ human rights more reluctantly and “below the radar” due to resistance from many of the board members in World Bank (McNeill and StClair, 2009: 111). According to Sindzingre (2004: 176) “the World Bank tends to continue to base its definition in income and in consumption” and it still prioritizes the economic growth. The UNDP on the other hand has a normative conception of development which basically focuses on the role of the poor. The programme generates a good understanding of human rights based approaches to development which encourage gender equality, abolishment of poverty and enlargement of choices for all human beings.

4.2 Human Rights in the UNDP

In his reform proposals in 1997, the Secretary-General of the time, Kofi Annan, noted that human rights is a cross cutting issue and that it should be integrated in all UN activities. A major task for the United Nations, therefore, was decided as “to enhance its human rights programme and fully integrate it into the broad range of the Organization's activities” (1997: 26). Following this pledge, UN Country Teams (Country Teams) have started incorporating a human rights based approach through the Common Country Assessment (CCA) and the United Nations Development Assistance Framework (UNDAF). The UNDP –being the largest UN development agency and having the role as coordinator of the UN’s in-country operations– has

assumed a critical role in ensuring that the Secretary-General's reforms are carried out within country teams (Frankovits, 2006: 30-34; St Clair and McNeill, 2009: 63-66; UNDP website). The role of the UNDP as the coordinator of UN activities in-country has had significant impact since such coordination assists other agencies in adopting and applying the approach as well.

The UNDP has been established to uphold and escort the national endeavors of developing countries in solving the most prominent issues regarding their economic development, and to back community development and better standards of life (UNDP website). As it is affirmed by Ad Melkert Associate Administrator, United Nations Development Programme in his speech about the UNDP Strategic Plan, 2008-2011; the UNDP's operations are implemented at the country level through the coordinated UN programming practices. These operations—including the CCA, the UNDAF, and the Country Programme Document— each of which correspond to national development strategies; and are contiguous to national programming phases. Government participation and partnership is expected throughout the programming procedures. UNDP Country Programmes are executed mutually by national programme partners and the UNDP (Melkert 2007 in UNDP website; also in McNeill and StClair, 2009: 70).¹⁵

The UNDP has undertaken a number of individual policies which has paved the way towards a more comprehensive account of rights based approaches to development under the realm of the United Nations. One initial example relates to integrating

¹⁵ Statement by Ad Melkert, Associate Administrator, United Nations Development Programme on Item 4: UNDP Strategic Plan 2008-2011. Executive Board of UNDP/UNFPA. Annual Session 19 June 2007, New York Available at: <http://content.undp.org/go/newsroom/2007/june/ad-melkert-on-the-undp-strategic-plan-2008-2011.en>

human rights with sustainable human development. This policy document acknowledged the UNDP's perseverance in the integration of human rights with human development by means of the international human rights machinery. This policy note has identified how this policy is to be implemented. The UNDP (1998), with this policy document, has pledged to:

- Support the strengthening of national human rights systems;
- Promote the application of a human rights based approach to development programming
- Increase its engagement with the international human rights machinery

This policy paper has bolstered the realization of the UNDP's policy on human rights, constituting the basis for the subsequent Human Rights Strengthening Programme (HURIST), a joint programme of UNDP and OHCHR (Frankovits, 2006: 30). The HURIST programme as stated by in their website aimed at methodology development, documentation and implementation of the human rights based approach in the UNDP's practice areas such as; National Action Plans for the Promotion and Protection of Human Rights, Human Rights Programme Reviews, Poverty Reduction and Human Rights, Parliamentary Development and Human Rights, Human Rights and the Environment, Decentralized Governance and Human Rights; Human Rights and the Police, and a human rights based approach to Access to Justice¹⁶.

The following step was the Human Development Report 2000. The Human Development Report 2000 focused on "Human Rights and Human Development" and

¹⁶HURIST - The Human Rights Strengthening Programme, Integrating Human Rights in UNDP's Activities, <http://www.undp.org/governance/hurist.htm>

“intended to help promote practical action that puts a human rights based approach to human development and poverty eradication firmly on the global agenda”. The Report has noticeably extended the connection between human freedom and human development, exploring the compatibilities and differences between human rights, human development, capabilities and freedoms (UNDP, 2000). This focus undoubtedly materialized via the efforts of Amartya Sen, who wrote the first chapter of the Report. His chapter “Human rights and human development” lead to consecutive discussions around the human rights based approach to development (Frankovits, 2006: 13).

The UNDP’s efforts to adopt a “standard approach” to the human rights based approach crystallized in 2003, at the Stamford Inter-Agency Workshop on a Human Rights based Approach, where a “Common Understanding” to the human rights based approach was discussed and then agreed for the UN system as a whole. It was a UNDP led initiative. The UN Common Understanding on the human rights based approach set out three main points of agreement about the human rights based approach:

- 1) All programmes of development cooperation, policies and technical assistance should further the realization of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
- 2) Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international instruments

guide all development cooperation and programming in all sectors and in all phases of the programming process.

3) Development cooperation contributes to the development of the capacities of “duty bearers” to meet their obligations and/or of “rights-holders” to claim their rights (UNDP, 2003a: 1-3).

Following the Second Interagency Workshop, sometimes referred to as the Stamford Consensus, the UNDP aimed at a working model for a human rights based approach to development. Therefore the organization provided several guidelines to show how human rights can be incorporated into UNDP’s work. The priority was the improvement of methodology and distribution of learning practices of human rights within areas of operation such as poverty reduction, the environment, HIV/AIDS, decentralization and parliamentary development. After the Stamford Consensus the development of guidelines and tools for Human Rights based Reviews of UNDP programmes became the priority of the HURIST programme.

In terms of methodology development, the organization has produced several practice notes and guidelines to operationalize human rights in development. A Practice Note on Poverty Reduction and Human Rights was developed which outlined a framework for human rights integration in poverty reduction and provides practical steps to guide UNDP programming (UNDP, 2003c). Another work on Decentralized Governance and Human Rights and Parliamentary Development and Human Rights was undertaken in order to demonstrate how UNDP can contribute and enhance the way that “legislators parliaments and parliamentary processes make towards the protection, promotion and realization of human rights” (UNDP, 2004a). A study on

Police Reform and Human Rights was produced to improve police performance concerning human rights (UNDP, 2004b). Furthermore; a reference document on Integrating Human Rights into Energy and Environment Programming operationalized the Common Understanding in the domain of energy and environment (UNDP, 2005a). At the same year UNDP adopted a new Practice Note: Human Rights in UNDP. The note has acknowledged three strategic areas of involvement for UNDP in the future, which are:

- 1) Strengthening of national human rights systems;
- 2) The application of a human rights based approach to development programming; and
- 3) Greater engagement with the international human rights system (UNDP, 2005b: 4).

The UNDP also took significant role in the establishment of regional human rights policy networks and communities of practice. One such example is the establishment of the Asia-Pacific Rights and Justice Network in 2002; in order to strengthen the UNDP's capacities on access to justice in the Region, by expanding UNDP's knowledge and networks in this area.

The organization has also encouraged the formulation, and supported the implementation, of regional governance programmes that include a human rights based approach to development, such as the UNDP-PARAGON programme (stands for Participatory Action Research to Advance Governance Options and Networks). PARAGON Programme according to UNDP website is established "to promote a

humane governance enabling environment for poverty reduction, human security and human development in Asia”. Another such regional initiative has been the Pacific and the Programme on Governance in the Arab Region (POGAR). POGAR's program pillars relate to rule of law, participation transparency and accountability. These activities include providing policy advice, engaging in institutional capacity building, and testing policy options through pilot projects. Since its inauguration, POGAR has instigated projects to endorse a participatory dialog on judicial reform; building the capacities of parliaments, and training governance actors about methods for combating corruption.

In 2005 the UNDP evaluated its human rights experiences. Although primarily focused on the performance of HURIST as a programme, the evaluation also took a broader look at human rights in UNDP. The evaluation, noted that the conceptual work with regard to human rights and poverty, various aspects of governance and the human rights dimension of environmental management and energy use were rather satisfactory. However in terms of practice these efforts could not find much room, making these efforts to go from documentation to field somewhat intricate.

Based on these lessons the UNDP (2006) has published Indicators for Human Rights Based Approaches to Development in UNDP Programming: A Users Guide, in order to help country offices with a practical guideline. In 2007 UNDP improved its efforts and developed a checklist in order to answer the demands of the country offices on how to incorporate human rights into programmes concretely.

At the same year UNDP launched its Global Human Rights Strengthening Programme (GHRSP) in order to contribute to UNDP's corporate strategy to fully integrate human rights into its policies, programmes and processes, and provide meaningful guidance to the application of a human rights based approach to UNDP programming processes. It aims that by 2011, the UNDP programmes and strategies will have decisively incorporated human rights and a substantial number of Country Offices will have implemented a human rights based approach to development programming.

These efforts demonstrated above prove that the UNDP is keen to integrate a systematic integration of human rights into its development strategies despite several challenges acknowledged, and developed a number of tools, checklists, indicators in order to respond the unevenness of implementation. The subsequent section aims to respond why UNDP is trying to integrate human rights into its development strategies.

4.3 Analysis of the UNDP's Human Rights based Approach: an Institutional and Organizational Analysis

The aim of this section is to analyze the motive behind UNDP's relentless efforts to integrate human rights into its development strategies. In the first place it will analyze latent and manifest rationales behind the adoption of a human rights based approaches to development. After scrutinizing the rationales behind such adoption,

the analysis will continue to assess rights based approach within the UNDP using the three tier approach that is:

- 1) Who frames what (Who put forth that idea, and how s/he justified its need?)
- 2) Consistency with the organization's traditions and belief systems
- 3) Mode of operation (How democratic is the organization, and what the level of centrality is).

4.3.1 Why Rights: Latent and Manifest Rationales

As the previous section provided evidence, the previous decade has seen the emergence of human rights as a key area of policy and programme support among UNDP country offices starting from the 1998 policy document on Human Rights and Sustainable Human Development. The UNDP has deployed substantial capital not only at its New York headquarters office but also, in the fieldworks in order to

- 1) expand its capability to augment national systems for the promotion and protection of human rights
- 2) reinforce the international legal system of human rights and relevant treaty mechanisms
- 3) strengthen policy improvement and advocacy initiatives in the domain of human rights, and

- 4) encourage the UN wide application of a human rights based approach to development (UNDP, 2003d: 1-5).

There have been both latent and manifest rationales behind the UNDP's adoption of a Human Rights based Approach to Development. Immediate cause relates to the system wide comprehensive progressive shift towards a human rights based approach under the realm of the United Nations. Latent causes, on the other hand, necessitate a deeper outlook to the history, mandate and organizational structure of the UNDP. Let us further elaborate these three rationales.

4.3.1.1 Immediate causes: System-Wide Shift

Immediate cause can be explained as the UN's progressive shift towards a system-wide adoption of the rights approach. It is acknowledged that the UN system is moving to a level of more multifarious approach on human rights approaches to development. This is largely due to the ongoing efforts of the previous UN Secretary General Kofi Annan as part of his reforms: the former one being "Renewing the United Nations: Programme for Reform", issued in 1997; and the latter one being "An Agenda for Further Change" issued in September 2002. These two documents substantiated the centrality of human rights for the United Nations. UNDP, like the other development actors, have devoted efforts to increase its capabilities in this regard, following the common understanding.

Nonetheless, such explanation is not adequate given the fact that there were plethora of other specialized agencies, and organizations under the roof of the UN. Particularly the United Nations Commission on Human Rights evidently has the primary mandate within this field. In terms of field application, other UN agencies, remarkably UNICEF, are better equipped to locate human rights based approaches into practice as they can relate their work to a specific human rights treaty (Frankovits, 2006: 28-29). UNDP; nonetheless; was one of the earliest vanguards of the approach in terms of integrating human rights standards, related values and principles into its policies, strategies and programmes. A deeper scrutiny is crucial in order to understand better why the organization has embraced the rights based approaches.

4.3.1.2 Latent Rationales:

The latent rationales are the undeclared motivations behind the adoption of the human rights based approach in UNDP. There are two underlying motives for a human rights based approach within the UNDP. The formal rationale is related to increase of normative ideas within the organization. The latter is related the organizational capabilities.

4.3.1.2.1 Human Development and Rise of Normativity

The explicit concern for human rights within the UNDP can be better understood by looking at the historical evolution of the UNDP itself. Since the beginning of the

1990s, the organization has moved towards a more normative conception of development: an ethically formulated perspective that in corporate human rights within. UNDP as Asuncion Lera St. Clair (2004) and Des Gasper (2009) argue has stimulated a direction towards including an ethically formulated perspective of development in the recent years. Since the release of the first Human development report, UNDP has framed its development approach in a particular setting that enlarge the understanding of development by including Amartya Sen's various non-economic ingredients such as quality of life, well being, social justice and entitlements released development from a narrow materialistic economic welfare outlook (Robeyns, 2009: 44).

This direction towards an ethically formulated conception of human rights materialized solidly, at the outset, with the disclosure of the first Human Development Report in 1990. As declared in the website of the Human Development Reports

Human Development is a development paradigm that is about much more than the rise or fall of national incomes. It is about creating an environment in which people can develop their full potential and lead productive, creative lives in accord with their needs and interests. People are the real wealth of nations. Development is thus about expanding the choices people have to lead lives that they value. And it is thus about much more than economic growth, which is only a means —if a very important one —of enlarging people's choices.

Human rights in this context are conceptualized in terms of freedoms, as a strategy which links rights with the notions of capabilities and entitlements at the core of human development (Sen, 2006). According to human development website

[h]uman development shares a common vision with human rights. The goal is human freedom. And in pursuing capabilities and realizing rights, this freedom is vital. People must be free to exercise their choices and to participate in decision-making that affects their lives. Human development and human rights are mutually reinforcing, which helps to secure the well-being and dignity of all people, build self-respect and the respect of others.

The rapid acceptance of the human development paradigm has various other consequences leading to the absorption of a variety of other ideas that can facilitate the deepening of the paradigm itself (St. Clair, 2004: 186). It was because of the need that the human development paradigm required a process of deepening with the purpose of being an “operational development policy approach” (Gasper, 2009: 236).

In seeking powerful policy instruments, human development approach has related their work in the longer institutionalized terrain of human rights. The absorption of human rights into the UNDP’s development programmes took time however. Human development, as Gasper argues (2009: 236), did not at the outset make strong reference to rights since economists had uncertainties about human rights formulations as significantly state oriented, which can add a political character to the reports.

Such econo-centric approach was transformed, however, following the Human Development Report of 2000 (Gasper, 2009: 236). In that report human rights were framed in terms Amartya Sen’s conception of human rights “development as freedoms” in order to link rights and capabilities to each other within a human development framework (St. Clair, 2006: 21).

Framed in terms of capabilities, human rights were then, included in UNDPs strategies in order to further operationalize and deepen the human development paradigm. Such aim can be visible from the UNDP Strategic Framework for 2008-2011 which argues that

UNDP supports the strengthening of national capacity to implement a human rights based approach to national development programmes and policies. The human rights based approach to programming contributes to the conceptual framework of human development, which is based on international human rights standards as adopted by the Member States of the United Nations. From a human development perspective, this focuses in particular on the principles of non-discrimination and equality. This translates in very practical terms into supporting the design and implementation of national MDG-based poverty reduction strategies that reflect the needs of marginalized and vulnerable groups in order to engage them fully in the development processes that affect their livelihoods and their lives. (UNDP, 2007: 15)

Habermas argues that human rights are the sole institutionalized basis of legitimating for the international community (1998: 162). When we look at the published documents of the UNDP in terms of human rights based approaches to development (2003a, 2003b, 2003c and many others), the concept of human rights, since its incorporation, is argued to further the goals of human development by granting them an institutional character since human rights have established international standards. It is argued that such normative structure that is based on impartiality, liability, entitlements can grant human development with a worldwide agreement over the language of capabilities. Besides; by conceptualizing the development and in terms of rights, human rights based approaches adds a “diagnostic and analytical force to the implementation” of human development, as rights create obligation to be satisfied (St. Clair, 2007: 21). Therefore it can be argued that human rights provide a source of legitimizing for the UNDPs human development paradigm.

4.3.1.2.2 Capabilities

The incorporation of human rights within human development can also be further analyzed by looking at the capabilities of the UNDP as an organization. The UNDP

is, by intention, heavily decentralized and its role is to advise on, and be supportive of, government policies. It is questionable whether it could alter its position to undertake the role of a leading international development agency. Such a role is constrained by various actors. The World Bank has far greater funds and expertise, and other specialized agencies of the UN do not want the UNDP to also enter into their specific mandates (Mc Neill and St. Clair, 2009: 68). Given its lack of practical power, the UNDP has to seek an alternative power source. According to St Clair there are two important domains where power operates within the UNDP the power of morality and power of rationality:

The first domain is the power of morality. To reiterate, there has been an explicit concern for ethical issues i.e. conceptualizing development in terms of providing the well-being of people and securing human dignity, which can clearly be observed from the official documents or statements of the UNDP¹⁷. There is an additional claim about the UNDP. Aspiring to moral ideas can also operate as a default strategy: a way to justify its existence given the lack of practical power. Aspiring to normative ideals hence may lead UNDP to seek more effective power (St. Clair, 2004: 188).

The second domain is the power of rationality. Cognitive values are source of power for ideas. Like scientific theories policies must be able to satisfy certain criteria in order to be considered successful such as testability, simplicity or measurability (St. Clair, 2004: 179). The UNDP has particular expertise in terms of testability. The organization contributed greatly to the formation of statistics and also established an

¹⁷ See for example Human Development Report 2004, 2006, 2007-2008.

alternative frame for assessing the world's progress (if there is any) via its human development reports, nationally, regionally and globally.

One issue concerning measurability is the power of indicators. Indicators that are reported repeatedly over a long period of time are the main source of potential for continuous and systematic improvement. By generating human development indices worldwide, the UNDP portrays the reality of people's mundane lives. Hence the organization depicts where the poor are situated, what are the causes of their poverty, and what their lives are like in numerical terms. Statistics are important as this numeric and measurable information provides the data required to develop and monitor efficient development policies. It brings to light where funds are most looked-for, and provides the means to monitor progress and assess the impact of different policies (OECD, 2007: 2-6). As the most of the developing countries do not have the means to generate and make use of statistical datasets required to bolster effective development progress, the information congregated by the UNDP Country Offices emerges to be an important source, with respect to the measurement of national development.

Hence; it is convenient to argue that the UNDP has a mixed approach, due its decentralized model, and the presence of other UN agencies with somewhat overlapping concerns. The decentralization of the UNDP does hardly allow it to promote "global" policies on human rights. But the UNDP does support human rights nevertheless. This is not only an interesting initiative in itself, it is also an example of how the UNDP can operate while still maintaining a very difficult balance: "cautious

about an advocacy role, short on expertise, and with a heavily decentralized model” which is both a challenge and a major asset (McNeill and St. Clair, 2009: 28, 68).

4.4 What are the characteristics of the UNDP Rights based Approach to Development?

In the previous chapter it is argued that multilateral development institutions frame the development and framing of human rights as a development idea, depends on three factors:

- 1) Who frames what (Who put forth that idea, and how s/he justified its need?)
- 2) Consistency with the organization’s traditions and belief systems
- 3) Mode of operation (How democratic is the organization, and what the level of centrality is).

Using this three-tier methodology this part will now assess UNDP in institutional (structural) and organizational (agency based) terms.

1. Who frames what (Who put forth that idea, and how s/he justified its need?)

Leadership capacity and expertise is an important factor in the incorporation of ideas. The human rights based approach is leaded by Amartya Sen and Mahbul-ul Haq. They were the influential figures for incorporation of human

rights in development. Another influential figure was the former UN Secretary General Kofi Annan who proposed that human rights should be incorporated into development. In UNDP document a rights based approach is defined in terms of expanding people's choices and capabilities; a terminology derived from Amartya Sen. His conceptions have been influential in the creation of the definition of human rights based approaches to development that is the elimination of poverty should be addressed as a basic entitlement (UNDP, 2003c).

2. Consistency with the organization's traditions and belief systems

The cultural and organizational inheritance of established practices built up over the course of organizations' histories, and they play an important role in determining the future range of policy choices, creating a path dependent behavior. UNDP has been integrating normative items on its agenda since the beginning of the 1990s so that the UNDP could easily embrace discourse of ethics and human rights. In most of their policy and practice documents the normativity of human rights discourse is heavily referred to putting the poor and marginalized groups at the heart of policy and program development (UNDP, 2003a; UNDP, 2005a etc). In adopting the human right into policies, the origins of a human rights based approach has been traced back to the convergence between the human rights and the human development discourses over the past decade, thus making a linkage with the former practice of human development (UNDP, 2003b).

3. Mode of operation (How democratic is the organization, and what the level of centrality is).

The mode of operation can also put a severe constraint on the incorporation of ideas. UNDP is characterized by a more decentralized -loose- type of structure and a lack of expertise. Therefore in terms of human rights they mostly rely on independent experts making human rights harder to be incorporated by country offices. According to the organization UNDP's human rights based approach involves twin tasks:

- a) Identifying and empowering claim-holders to assert their rights,
- b) Identifying duty-bearers and ensuring that they have the responsibility, authority and resources needed to discharge their duties (UNDP, 2003c: 11).

In this system right holders and duty bearers are defined very vaguely given their institutional structure. As the UNDP's operations are implemented at the country level they have to be in close cooperation with governments, so they cannot define the level of responsibility. They also refer to international obligations however they do not define it clearly as well in order to avoid the controversies due to its reference to global inequalities (Cornwall and Musambi, 2004a: 1423).

In the previous section it is cited that ideas may be resisted within organizations, and successful discourse coalitions may help to develop common understandings with respect to ideas. Ideas can be translated into a successful discourse coalition carrying

various interpretations of the same concept. Individuals in the group may relate their earlier independent practices to one another and build a “common political project” within which their independent practices acquire significance although some of those individual practices do not necessarily echo others within the same agency when these independent practices are scrutinized separately (Hajer, 1995: 65). The following section will exemplify such an example of successful discourse coalition with respect to human rights based approach to development.

4.5 Harmonization of Human Rights Based Approaches to Development: Examination of the Second Interagency Workshop

Despite the increasing interest towards a rights based approach at the policy level, country staff reflecting on their own experiences identify several obstacles and challenges specific to implementing human rights based approach to development and specific to working as a country office, responding to the issues and concerns identified in the CCA or in implementing programmes under the UNDAF. These challenges identified below are acknowledged during the Second Interagency workshop in 2003.

There is a lack of common understanding and consensus about human rights based approach in the wider development community. There is need for conceptual clarity. Are human rights a separate programme area or are they to be integrated in all development programmes? This creates a dilemma. Does one operationalize now, or wait for common understanding? Human rights based approach is often still viewed as a political issue in some countries. There may be difficulties in contextualizing human rights based approach at the country level. How does one adjust universality of vision and goals to history, politics and the socio-economic context of the country? There remains a need for sharing of experiences and knowledge about human rights based approach, and developing implementation strategies tailored to particular national contexts (UNDP, 2003d: 10).

Many staff also viewed human rights as a separate activity, a special area of work; rather than as a crosscutting aspect of all areas of programme support. Therefore they were hesitant to human rights based approaches to development. They argued that human rights should have a special agency with separate and clear mandate

Another problem was related to terminology. Human rights based approach is argued to be defined in so loose terms that there are lack of agreements as to its main premises. Some staff argued that

There is still considerable lack of agreement as to what “integrating” or “mainstreaming” human rights in development programming entails. Are development and human rights two separate universes? Is there a distinct dichotomy between human rights and human development? What distinguishes human rights based approach from “good development practice”? What is the significance for development practitioners of an approach that converts discretionary good practices into mandatory rights, with rights-holders having claims to assert against duty-bearers? (UNDP, 2003d: 4)

All discussions and obstacles defined in the Second Interagency Workshop report yield us an important clue about framing of human rights to development within UNDP. As stated before, all international organizations having a decentralized organizational structure; such as the UN agencies have two sides. In the case of UNDP this double sided structure consist of 1) the Member States and New York Head Quarters 2) the staff members. In this decentralized model new ideas cannot be incorporated easily. A substantial number of the UNDP staff comes from economics background, and they are unfamiliar with human rights concepts and principles. During the phase of negotiations we see that staff members discuss and sometimes cannot reconcile on how human rights should be integrated into development policy making and development programming.

A second point is that human rights based approach to development is loaded with development buzzwords such as participation, accountability, universality. It was with the Second Inter Agency Workshop, when a common understanding among the UN agencies could be published as they could reach at a successful discourse coalition. It is noted in the workshop report that “while these comments reflect the actual discussion, it should be noted that they were made before the workshop had agreed about the statement on the common understanding” (UNDP, 2003d: 10). . Hence individuals in the UNDP related their earlier independent practices to one another and build a “common political project” “a common understanding” within which their independent practices acquire significance although some of those individual practices do not necessarily echo others in the negotiation phase..

To wrap up, it can be said that the UNDP has a current focus on human rights, and applies a rights based approaches to its policies, programmes and projects on development. The imminent reason behind such rapid implementation can be due to Kofi Annan’s reform proposals which aim to incorporate and to harmonize human rights within all of the operations of the organization. However a deeper study demonstrates there are further covert motives behind such rapid embracement of human rights within the organization. The UNDP has been experiencing an ideational paradigm shift since the beginning of 1990s, towards a normative conception of development. Such a paradigm shift enabled the organization to incorporate moral issues such as human rights into its development programming. Moreover current focus on human rights also functions to deepen and operationalize the idea of human development. Human rights spread out the extent of human development, as well as

expanding the UNDP's measuring indices to the point of using cognitive tools of simplicity and measurability.

Using a three level study can help us to understand the characteristics of human rights based approach to development under the domain of the UNDP. Leadership capacities, the important figures behind the ideational shift towards a human rights based approach to development. Mahbul-ul Haq, Amartya Sen and Kofi Annan were the influential figures for the incorporation of human rights into UNDP's development strategy. Consistency with the organization's belief system was another determining factor. To reiterate, UNDP has been developing a normative conception of human development since the 1990s. By adopting a human rights based approach to development, human development paradigm can be deepened. Finally the mode of operation can be a definite characteristic in defining the vague conceptualization of human rights based approaches to development in the UNDP.

CHAPTER V

CONCLUSION

23 years ago the UN General Assembly proclaimed in the Article 1 of the Declaration of the Right to Development that “every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized”. However the approach could not find much room within development practitioners’ work.

Since the early 1990s however, a new term, namely human rights based approach, started to roam around in the corridors of both the academy and multilateral development organizations. Since then a number of development agencies, NGOs and UN affiliated specialized agencies have started to incorporate rights based approach to development into their official plans and policies, arguing that the human rights based approach to development adds significant value to their development work.

Such claims created the basis of this thesis: Why, nearly after two decades, human rights and development started to converge again? Is the approach a genuine one, or is it only putting a new label on an old wine? These two questions set the basis of this study.

In its quest for shedding light on these two aforementioned questions, this thesis started with a historical analysis. It is understood that there is not one human rights based approach but human rights based approaches to development. Therefore, different understandings of the connection between human rights and development were investigated and different interpretations of human rights based approaches to development were explored. By reviewing the pertinent literature, this thesis has found out that there are proponents and opponents to the human rights based approaches to development. Following a discussion on the theoretical relationship between human rights and development, it focused on rights based approaches to development.

Proponents of rights based approaches based their claims on the basis that a human rights based approach to development transforms the development efforts from an act of philanthropy or favor to one of legal obligation. Hence rights based approaches may hold duty bearers accountable to the right holders. This way, the approach may empower people, and transform the global structural inequalities (VeneKlasen et al., 2004). Critics on the other hand, argue that while the legal basis of human rights brings a degree of accountability to development and poverty alleviation, in reality, there are numerous legal, political, and operational challenges that hinder the transformative potential of rights based approaches.

After understanding why human rights based approaches to development emerged in the 1990s, and how they were understood within academia and development organizations, this study concerned with the root causes i.e. diffusion of ideas (for this study) in the development community, where the interaction between academic circles and decision makers were particularly marked. The underlying question that guided this thesis was “under what conditions rights based approach to development is incorporated to and how is implemented in international development institutions as a development idea?”

This thesis argued that there is a reciprocal relationship between power and ideas. It argued that framing can show how actors deliberately draw the boundaries of ideas in a certain way to convince each other as well as the general public on the plausibility and acceptability of their solutions to the problems at hand (Campbell in Joachim, 2007: 19). Ideas may seem as a common sense, however may stem from successful discourse coalitions as it was the case in the Second Interagency Workshop creating a common political project. Ideas even can bolster the power of some and erode the power of the others.

In this research, the framing exercise was utilized with reference to the UNDP as a powerful development organization. The concept of framing was used to study to what extent the UNDP, as a development organization, influenced both thought and action with respect to the rights based approach to development in the field of development. In doing that, the thesis did not simply describe what the UNDP had documented about human rights in its development policies. Instead the thesis tried

to locate the organization's strategies into the theoretical framework that dealt with human rights and development. The analysis focused on the UNDP only because it was the largest multilateral development agency applying a human rights based approach to development. It should be noted that the UNDP's strategies were not compared with each other but were selected as examples to illustrate and increase one's understanding under what conditions rights based approach to development is incorporated to and how is implemented in UNDP, and how they can create a successful discourse coalitions.

The case study chapter proved to us that the UNDP had a current focus on human rights, and that it applied a rights-based approach to its policies, programmes and projects on development. The manifested reason behind such rapid implementation was due to Kofi Annan's reform proposals in 1997 and in 2002, which aimed to incorporate and to harmonize human rights within all of the operations of the organization. However a deeper study demonstrated that there were further covert motives behind such rapid embracement of human rights within the organization. The UNDP had been experiencing an ideational paradigm shift since the beginning of 1990s, towards a normative conception of development. Such an ideational paradigm shift enabled the organization to incorporate moral issues such as human rights into its development programming and use them as an alternative source of power. Moreover, the current focus on human rights also functioned to deepen and operationalize the idea of human development. Human rights spread out the extent of human development, as well as expanding the UNDP's measuring indices to the point of using cognitive tools of simplicity and measurability.

Using a three level study, this study further analyzed the characteristics of human rights based approach to development under the domain of the UNDP. Leadership capacities, the important figures behind the ideational shift towards a human rights based approach to development. Mahbul-ul Haq, Amartya Sen and Kofi Annan were the influential figures for the incorporation of human rights into UNDP's development strategy. Consistency with the organization's traditions and belief system was another determining factor. UNDP has been developing a normative conception of human development since the 1990s. By adopting a human rights based approach to development, human development paradigm can be expanded. Lastly, the decentralized mode of operation was important in understanding the vague conceptualization of human rights based approaches to development in the UNDP.

When considered altogether, it can be summed up that the use of rights based approaches has been intensified within several agents ranging from states to local, regional, and international NGOs as well as development organizations, although each have their self definition. The use of the concept as a development idea may set just for power, when the idea is used in a discourse coalition so as to convince themselves as well as others to follow the idea, which in turn leaves a question mark whether the idea is hollowed for the sake of acquiring broader acceptance, thus disregarding the matter with the importance and delicacy it requires. One way or another, beginning with the Universal Declaration of Human Rights in 1948 and increasing its pace with Mahbub-ul Haq, Amartya Sen and Kofi Annan's inputs within the 1990s, human rights have been gradually becoming one of the key aspects of development for organizations such as the UNDP. This increased normativity,

bolstered with the rights based approach can be questioned regarding its influence and applicability; however; it leads to a positive surge forward in the global implementation and preservation of human rights in the development arena; and even though there are hurdles along the way, the Programme continues to support rights based approaches in development.

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