Rights Based Approaches to Development: Implications for NGOs

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Abstract

The rights-based approach to development has swept through the global development assistance sector during the last fifteen years. As a result, bi-lateral development donors, international organizations, and development-oriented non-governmental organizations (NGOs) are increasingly committed, in theory, to implementing human rights. This commitment has dramatically accelerated the discursive and organizational merger of the global human rights and development policy communities. What impact—if any—has the rights-based approach had on the structure, resources, and work styles of development NGOs? This article offers five empirically grounded hypotheses to guide future research.

I. Introduction[1]

The "rights-based approach" (RBA) emerged as a new development paradigm in the late 1990s, and within less than a decade, had swept through the websites, policy papers, and

official rhetoric of multi-lateral development assistance agencies, bi-lateral donors, and nongovernmental organizations (NGOs). Today, specialized consultants and advisors are elaborating and mainstreaming the paradigm through reports, workshops, and project evaluations, ensuring that rights-based thinking will continue to deepen and proliferate for years to come.[2]

Many view this trend with excitement, highlighting the normative and practical value of injecting human rights principles into standard development thinking and practice. These commentators hope rights-based approaches will empower marginalized groups, focus attention on inequality, and boost state and donor accountability.[3] Skeptics, however, fear the emergence of yet another development fad.[4] What, then, is really happening? Is the rights-based approach having observable impacts?

This article proposes five hypotheses about the likely impact of rights-based approaches on the work, structure, and number of NGOs involved in the development process. If the rights-based paradigm is having real effects, we should be able to observe its traces in the work and activities of development-related NGOs that accept overseas resources and aid. Before proceeding, however, a caveat is in order: this article does not discuss rights-based impacts on actual communities, projects or development aid recipients. Instead, we restrict our analysis here to development donors, agencies, and implementing bodies, focusing in particular on the implications of rights-based policymaking for the local and international NGOs that disseminate so much of the development sector's thinking and resources.

We offer five empirically and theoretically grounded hypotheses to guide future investigations, grounded in four evidentiary sources. The first is a review of the available

English-language literature on rights-based development conducted by this article's first author, Kindornay, whose sources are summarized in Figure 1. Details of her search method are available in Appendix A.

[INSERT FIGURE 1 ABOUT HERE]

Our second source is a set of semi-structured interviews by the article's second author, Ron, who worked with research assistants to interview 125 members of rights-based organizations from 60 countries. These interviews focused on the activities, funding, and structures of rights-based development entities, lasted 60 minutes on average, and were conducted in English or French. For details, see Appendix B.

Finally, we draw on Ron's personal experience from 1998-1999 as a consultant on rights-based programming for CARE-USA, when that international development NGO began exploring its own transition to rights-based work. Ron authored a case study on the paradigm's relevance to CARE's work, and while that study remains confidential, some of the report's findings were later revealed in print by third parties.[5]

The structure of our article is as follows. First, we review the emergence and spread of rights-based development thinking, and examine the merger of the human rights and development discourses (Section 2). Next, we develop a schematic portrayal of the global development sector's structure (Section 3). Then, we elaborate and justify our hypotheses (Section 4), and conclude with final remarks (Section 5).

II. The Emergence and Cascade of Rights-Based Development Policy

The rights-based approach to development was first articulated in Northern development circles in the mid-1990s, when two hitherto distinct strands of foreign assistance and policy engagement—"human rights" and "development"—began to merge, combining the principles of internationally recognized human rights with those of poverty reduction.[6] Rights-based development experts began urging development practitioners to assess human rights conditions before formulating their poverty-eradication plans and projects; identify "rights-holders" and "duty bearers" in their prospective projects;[7] ensure local participation in project planning and implementation; create and strengthen mechanisms of citizen-government accountability;[8] reduce discrimination against marginalized groups; focus on development *processes* in addition to *outcomes*; and, most importantly, to engage in local and international advocacy efforts to promote the rights of vulnerable groups.[9] Although rights-based development thinking has many variations, most share these basic principles.[10]

In theory, these new ways of thinking should entail a substantial shift in the development practices of Northern donors, international NGOs (INGOs), and local Southern NGOs.[11] The reality is less clear cut, however, and this article outlines a rigorous approach to investigating the new paradigm's possible impacts on NGOs.

There is no scholarly consensus on how and why the new rights-based development paradigm emerged. Some point to the 1980s, when critics first voiced rights-based concerns about the IMF's structural adjustment policies.[12] Others note the impact of the United Nations 1986 Declaration on the Right to Development,[13] while still

others highlight the post-Cold War blurring of boundaries between human rights "generations."[14]As the walls between West and East tumbled down, so increasingly did the distinctions between civil and political rights, one the one hand, and economic and social rights, on the other.

UN conferences and initiatives in the 1990s must also have played a major role in disseminating, legitimating, and deepening the rights-based approach. As the "world polity" approach to international relations has repeatedly demonstrated, formal International Governmental Organization (IGO) statements, documents, and ceremonies are crucial conduits for international policy diffusion.[15] In the rights-based world, key IGO events include the 1993 UN Vienna Convention on human rights, which concluded that all human rights were of equal importance,[16] and the 1997 UN Reform Agenda, which resolved that security, human rights, and development were interrelated processes, and that human rights should be mainstreamed throughout all UN agencies.[17]

As a result of these causal vectors, IGOs, bi-lateral donors, and NGOs began experimenting with rights-based approaches in the late 1990s.[18] Simultaneously, a handful of international development and rights practitioners began working together on global advocacy campaigns, moving beyond simply endorsing each other's efforts.[19] The "Clean Diamonds" campaign for Sierra Leone, for example, involved collaboration between internationally-minded development NGOs such as World Vision, on the one hand, and "classic" human rights groups such as Amnesty International.[20] The Coalition to Stop the Use of Child Soldiers, similarly, joined the forces of two traditional rights groups - Amnesty International and Human Rights Watch - with those of classic development NGOs such as Terre des Hommes, Save the Children, and the Jesuit

Refugee Service.[21]

For at least some development groups, this shift to rights-based work thinking was not "revolutionary"; after all, many rights-based principles are long-established components of development doctrine, albeit not framed in "rights" terms. The notion of ensuring popular participation in development processes, for example, has long been a discursive mainstay in the development industry, as have been the principles of empowerment and inclusivity.[22] As a result, the rights-based approach smelled to many practitioners like old development wine served up in new, rights-based bottles.

Within the UN, three key agencies—the UN International Children's Fund (UNICEF), the United Nations Development Program (UNDP), and the Office of the United Nations High Commissioner for Human Rights (OHCHR)—were early and important champions of the rights-based approach. UNICEF was the first official adopter, announcing in 1997 that its work would henceforth be grounded in the UN Convention on the Rights of the Child. Soon after, the UN High Commissioner for Human Rights helped UNDP integrate rights into its own working documents, and that organization formally adopted a rights-based approach in 2001.[23] In 2003, UNICEF, the UNDP, and OHCHR developed a "Common Understanding on the Human Rights Based Approach" to development,[24] and many practitioners now cite this Understanding as their main point of reference.[25]

Among international NGOs, the first to explicitly adopt a rights-based approach were Oxfam and CARE, both of which made the change towards the end of the 1990s. At about the same time, two major Northern bi-lateral donors - the UK's Department for International Development (DFID), and the Swedish International Development Agency

(SIDA) - followed suit. None of these groups appear to have initiated the rights-based turn on their own, however. Instead, it seems that they all began heading in the same direction at more or less the same time.[26]

According to the United Nations Common Understanding, all UN development activities after 2003 are to be structured so as to advance the principles codified in the Universal Declaration of Human Rights and its associated conventions.[27] As a result, the United Nations Common Understanding's basic tenets include an emphasis on the universality, indivisibility, and interdependence of all rights, along with principles of non-discrimination, popular participation, inclusion, accountability, and the rule of law.[28] The Common Understanding also instructs UN officers to use human rights standards when planning, monitoring, and evaluating their development activities, to strengthen the ability of duty-bearers to meet their obligations, and improve the capacity of rights-holders to claim their due.[29]

The Common Understanding has sparked a cascade of rights-based rhetoric across the UN system, including the UN Population Fund (UNFPA), the UN Education, Social and Cultural Organization (UNESCO), the Food and Agriculture Organization (FAO), the UN Development Fund for Women (UNIFEM), the Joint United Nations Program on HIV/AIDS (UNAIDS), the World Health Organization (WHO), and the UN Development Group (UNDG). All of these separate UN agencies have adopted the Common Understanding over the last seven years, further fueling the rights-based discursive proliferation through each organization's grants, consultant contracts, strategy papers, project evaluations, and programming tools.[30]

By 2005, several prominent international NGOs, including Save the Children and

ActionAid, along with the official donor agencies of Denmark, Norway, and Switzerland had all announced their commitment to the rights-based approach,[31] and the donor agencies of Finland and Germany followed suit shortly thereafter.[32] In 2006, the Organization of Economic Cooperation and Development's Development Assistance Committee (OECD-DAC) joined in,[33] and the World Bank followed soon after with a "Social Guarantees Approach" that implicitly integrated rights into its work.[34] And while the rights-based phenomenon is largely secular,[35] some large Christian agencies have also joined in, including Catholic Relief Services, Christian Aid, the Church of Sweden, and DanChurchAid.[36] Today, the rights-based approach is gaining ground in international discussions on the future of the OECD-DAC aid effectiveness agenda. For example, civil society members of the Working Party on Aid Effectiveness (WP-EFF)[37]—including over 700 development organizations[38]—have made the rights-based approach a key priority.

A transnational issue network project managed by Charli Carpenter provides further evidence of the human rights and development sectors' organizational merger.[39] Carpenter's team identified 41 prominent human rights organizations with the help of a web-based co-link analysis tool, IssueCrawler, using as her starting points the Amnesty International Directory, the Choike Human Rights Directory, and the UDHR60 NGO links page. She then analyzed each network member's mission statements and "what we do" lists. Carpenter discovered the existence of two sub-networks - development and human rights – conceptually "tied together under the rubric of human rights."[40]

Although there is no definitive tabulation of the rights-based development sector's size, one can get a rough sense of the monies involved by examining the budgets of

individual donors and rights-based NGOs. The OECD, for example, estimates that nearly ten percent of its foreign aid budget promotes civil and political rights, chiefly through governance-related programming.[41] In 2007, the foreign assistance budgets of the UK, Sweden, and Norway—which are all formally committed to rights-based work - were roughly 9.8, 4.4, and 0.37 billion USD, respectively.[42] The UK's 2008-2011 plan included pledges of over 152 million USD to four rights-based NGOs: Save the Children UK, ActionAid, Oxfam, and CARE-UK,[43] and the Swedish government's 2005-2007 contribution to Save the Children-Sweden was 50.6 million USD.[44] In Norway, roughly thirty percent of bilateral aid is channeled through NGOs,[45] the largest of which have adopted or support rights-based programming.[46] And between 2000 and 2006, the European Instrument for Democracy and Human Rights (EIDHR) contributed over 168 million USD[47] to human rights promotion efforts.[48] The rights-based sector, in other words, now involves substantial development aid monies.

III. A Schematic Overview

Figure 2 offers a schematic overview of the global rights-based development sector based on Ron's 125 interviews with Southern development practitioners. It outlines five ideal-typical organizational tiers, ranging from the Northern-based Tier 1 donors such as SIDA or DFID, who supply the sector with much of its cash, policy rhetoric, programming tools, and evaluation templates, to Tier 2 international NGOs such as Oxfam, CARE, and

Save the Children, many of whom are important conduits of aid from North to South. In developing countries, local Tier 3 NGOs are headquartered in major cities, while the smaller and more peripheral Tier 4 NGOs are typically located in poor urban neighborhoods or in secondary Southern towns. The smallest and most "local" of Southern NGOs occupy Tier 5; they are based in neighborhoods, small towns or villages, and tend to have the most circumscribed geographic scope.

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Tier 1 donors and Tier 2 international NGOs shape the incentives of NGOs in Tiers 3 through 5 by negotiating, awarding, and denying funding; by holding, funding, or promoting professional workshops, training modules, and other capacity building efforts; and by commissioning reports, evaluations, and programming guidelines. The upper-tier actors also shape the sector's overall orientation by requiring lower-tier entities to organize their activities, financial reporting, and program evaluations in specific ways.

Importantly, Tier 2 international NGOs are both donors and recipients. They typically receive grants or contracts from Tier 1 donors (as well as private sources such as individuals), and then repackage those funds as sub-contracts, grants, and capacity building aid to Southern NGOs located in Tiers 3 through 5.[49] Local Tier 3 NGOs often operate similarly, taking funds either from Tier 1 or Tier 2, and then passing some monies on to the smaller, more localized NGOs located in Tiers 4 and 5.

The budgets of many international Tier 2 NGOs are in the hundreds of

millions of USD,[50] outstripping the resources available to traditional international rights groups such as Human Rights Watch or Amnesty International.[51] In fact, many of the larger rights-based development NGOs have budgets comparable to those of small bilateral donors, as outlined in Figure 3 below.[52] With the exception of World Vision International, the Gates Foundation, and the Open Society Institute, all the Tier 2 NGOs listed in Figure 3 are either officially rights based, or incorporate rights approaches into their work.[53]

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IV. Hypotheses

This rights-based development cascade should be prompting a series of changes in NGOs located in Tiers 2 through 5. We specify the logic behind each one of our five hypotheses and offer some preliminary empirical justification for each. In future research, scholars can determine whether empirical reality supports our expectations.

H1: Winners and losers: Rights-based donors seek like-minded NGOs, leading us to expect that NGOs who do not transition to the rights-based paradigm will face funding cuts, while those that do transition will secure more grants. In addition, new organizations will enter the development arena to seek rights-based funds. These trends will be more pronounced among Tiers 3-5 NGOs, and among NGOs financed by European or UN agencies.

The transition to rights-based development is not an easy one. Existing NGO aid recipients will have to gain new skills in analysis, public advocacy, legal strategizing, consciousness-raising, evaluation, and reporting, and will have to become familiar with a new language—"rights talk"—and gain passing familiarity with international human rights laws, treaties, conventions, and agencies. All of these require specialized staff and resources, including para-legals, grass roots organizers, communications experts, and rights-based project evaluators.[54] One unintended consequence of all this may be overloading recipient communities with too many demands for "voluntary" participation,[55] while another may be overloading NGOs with excessive administrative and reporting commitments.[56] In a review of DFID's experience, for example, researchers discovered that many NGOs found it hard to manage the accounting and reporting procedures required by rights-based funding. They also found it hard to engage in the kind of national-level advocacy that rights-based donors required.[57]

It is logical to expect that at least some development NGOs will not be able or willing to make these changes. As a result, some organizations will begin to lose contracts or grants. At the same time, organizations that were never before recipients of "development" aid are now likely to enter the global development sector as part of development-rights partnerships. UNICEF, for example, has joined with the Catholic Church, public universities, chambers of commerce, and political leaders in Costa Rica to improve governance. [58] Since 2005, moreover, UNDP Kenya has been working with state agencies and organizations such as the Kenyan Human Rights Commission, Oxfam Great Britain, PeaceNet, and Action Aid to strengthen national capacities for peace building and conflict management. At the encouragement of the strongly rights-based NGO

partners listed above, UNDP Kenya has also partnered with representatives of local communities.[59] Prior to this, UNDP focused its efforts only on the national level, in particular on central government. [60] In another UNDP project aimed at improving water governance in the Commonwealth of Independent States (2009-2011), non-traditional development partners such as Ombudsmen, human rights ministries, and human rights NGOs have played an important role in ensuring that the project was based on rights principles. [61] Moreover, between 2003 and 2008 the UNDP supported a 5.8 million USD project in Egypt to combat female genital mutilation, joining with groups that are not typically part of the "development" paradigm, including religious figures, the local media, and civil society activists.[62] In Yemen, the German development agency found that securing support from religious leaders was a critical factor in determining the success of a project aimed at promoting reproductive health and rights.[63]

The Tier 1 donor preference for funding like-minded NGOs has already been established, at least rhetorically. In 2001, for example, the Norwegian aid agency (NORAD) said it would incorporate human rights into all its development efforts, and adopted an operational guide to this end.[64] In 2010, Finland established guidelines on engagement with civil society in development policy, claiming that human rights should underpin all activities.[65] In 2008, the UK's Department for International Development (DFID) launched the Civil Society Challenge Fund (CSCF), which provides nearly 23 million USD[66] to UK-based NGOs for their efforts in building the capacity of Southern partners. The CSCF guidelines stipulate that "all applications must include elements of raising awareness of entitlements and rights" with the aim of changing government policies and/or practice.[67] Further, projects that do not have a clear advocacy component,

fail to mention or focus on rights, or place only a minimal emphasis on advocacy, empowerment, and capacity building will be rejected.[68]

Tier 2 organizations - who are both donors and recipients - have also signaled their preference for rights-based partners. In 2003, the board of CARE International approved rights-based programming principles for all CARE units, including their work with and through partners.[69] Oxfam Great Britain's Partnership Policy includes a principle on mutual respect for values and beliefs, which states that sufficient common ground must exist between partners to be viable, including commitments on gender-equality, non-discrimination, and fulfillment of rights.[70] According to a 2007 report, Save the Children Sweden's (SCS) selection of development recipients (called "partners") is based on shared vision,[71] including a rights-based approach to children's issues. CARE-UK, moreover, has reportedly terminated relationships with partners that were unable to adapt to the rights-based approach, while ActionAid, another Tier 2 INGO, took a different track by working with existing local partners to develop their rights-based capacities.[72]

We expect two NGO sectors in particular to be affected by these changing, rights-focused donor preferences. First, local, developing country NGOs in Tiers 3-5 are likely to be more affected than those located in Tier 2, as the latter have more access to diverse human resources and funding opportunities. Local developing country NGOs in Tiers 3-5, by contrast, will find it harder to master a policy transition that they did not initiate themselves, and for which local human resources may be hard to find.

Second, changing donor preferences should have more impact on NGOs funded by European or UN sources, as it is here that donors have made the most serious

commitments to rights-based aid. In North America, by contrast, the US Agency for International Development (USAID) and the Canadian International Development Agency (CIDA) are demonstrating far less commitment to working through rights-based NGOs.[73]

Our first hypothesis (H1) thus specifies clear, quantifiable expectations for future researchers to investigate. If the rights-based turn is having real impacts, a clear pool of NGO "winners" and "losers" should eventually emerge, and these pools should be strongly correlated with their decision to adopt, or to not adopt, the rights-based approach. In addition, organizations that have never before received development aid should begin to enter the global development arena. This trend should be most pronounced among the Tier 3-5 NGOs that are more vulnerable to shifting donor tastes, and that rely more heavily on European and/or UN funding.

H2. Increasing emphasis on advocacy: Development NGOs will increasingly boost their advocacy work while curtailing their service delivery efforts.

Development projects often provide essential services to needy communities, but this approach is contested by rights-based experts, many of whom argue that NGOs should instead hold duty holders accountable by "monitor[ing] and report[ing[from the grassroots on the use and abuse of power."[74] Development NGOs, in this view, should abandon service delivery and focus instead on creating and strengthening local accountability mechanisms through activities such as grass roots networking, local and national lobbying, abuse documentation, reporting, and advocacy of all kinds.[75] This approach is appropriate, the rights-based thinkers say, since it is governments and not

NGOs who are duty-bound under international human rights law to provide essential services. In this view, NGO service delivery simply treats symptoms rather causes,[76] lets governments off the hook, and disrupts citizen efforts to build accountability.[77] According to one study that looked at US-based INGOs' experiences, this preference for advocacy over service delivery has prompted the de-funding of several partner projects.[78]

A second school of rights-based thought is more flexible, arguing that service delivery can empower groups and individuals, and lend rights-based groups the means to gain citizen trust and commitment.[79] In Ron's interviews with 130 rights-based workers from the developing world, for example (see Appendix B), many respondents noted the difficulty involved in developing strong NGO-grass roots relations. When rights-based NGOs had no concrete services to offer, they found it hard to persuade local communities to contribute time, energy, and resources to rights-based activities. NGOs that provided direct services, by contrast, had a far easier time persuading people to cooperate, as they offered valuable resources in return for participation. In a lesson first learned by revolutionary organizations and social movements, these rights-based workers are now discovering that service provision is a useful way of building grass roots constituencies and relations. [80]

The debate between rights-based purists and pragmatics suggests that both international and local NGOs will grow their advocacy activities, but will not dramatically curtail their service delivery operations. Indeed, as one study has already shown, American rights-based groups often add advocacy to their existing agendas rather than fundamentally changing the way in which they operate.[81]

Our second hypothesis (H2) thus lays out a second set of clear and quantifiable

expectations for future researchers. We expect development NGOs to increasingly boost their advocacy activities, traces of which should appear in their budgets, work plans, publications, public statements, and human resources. Although overall levels of NGO service delivery are not likely to substantially decline, we are equally likely to see more and more efforts to combine advocacy and service together in a new, synthesized developmental approach.

H3. Growing Challenges to Universalist Human Rights Discourse: As the rights-based paradigm expands and deepens, we expect more cultural pragmatism and flexibility to enter the international rights discourse. This acceptance of context-specific human rights interpretations, however, is likely to broaden the further one goes down the development ladder.

Until the advent of rights-based development, much of the international NGO human rights discourse was dominated by advocacy NGOs such as Human Rights Watch and Amnesty International, whose work focuses solely on research and advocacy, rather than development and service delivery. These groups rely heavily on international legal instruments, conventions, and protocols, and promote a universal view of human rights that has little time for localized, context-specific interpretations. Since these NGOs tend to engage chiefly with Northern policymakers, international organizations, and Southern political leaders, they have felt little pressure to transform their message into popular Southern vernaculars. Until the emergence of rights-based development, international NGOs largely viewed Southern resistance to universal rights-talk as a cynical ploy by devious, authoritarian leaders.

The merger of human rights and development discourses, however, has increasingly forced international and local rights-based groups to interact with grass roots actors of all kinds, including local civil society. Rights-based development NGOs, moreover, must now secure the support, time, and commitment of ordinary people, local leaders, and small organizations in rural areas and poor or lower middle class urban neighborhoods.

As a result, rights-based workers can no longer assume that they speak the same general language as their would-be constituents, and they cannot draw on shared transnational documents, symbols, and ideas. Instead, they have to reach out to local actors using words, concepts and ideas that have local resonance. The result, we argue, will be an increasingly diverse set of local/universal human rights syntheses.

In theory, this trend should push both Tier 1 donors and Tier 2-5 NGOs to include culturally nuanced perspectives in their official rhetoric and policies.[82] In practice, however, we expect this sensitivity to grow in inverse relation to an actor's position within the tiered development pyramid. This is so, we believe, because the further an NGO is located downstream, the more likely it is to be engaged in the up-close and personal management of grass roots constituency relations. Tier 5 NGOs will rely very little on the universal language of international human rights, and in some cases, may be rhetorically "rights free."[83] At the other end of the spectrum, however, we expect Tier 1 donors, and Tier 2 international NGOs, to make far more frequent use of the universal rights language, and to rely far more on concepts, principles and ideas borrowed directly from the Universal Declaration of Human Rights and other international legal instruments.

This third hypothesis suggests that the Tier 3 workers that Ron interviewed (see Appendix B) occupy a uniquely privileged position, since these individuals serve as translators between local and international concepts of rights.[84] As a result, Ron's respondents were deeply aware of the depth and complexity of the local/global contradictions. Over sixty percent of Ron's respondents, for example, agreed with the statement that the concept of human rights was "hard for the average person to understand and use," noting that ordinary people often viewed "rights" as an elite term belonging to educated and Westernized urban residents, well-paid NGO workers, or to the political and social upper classes.[85] Tensions between the language of ordinary people and that of human rights were particularly acute, they said, when it came to issues of gender and family.

To enhance culturally sensitive and locally embedded approaches to human rights, both Tier 1 donors and Tier 2 NGOs have created learning processes with Southern NGOs, and have developed a suite of pilot projects using explicitly Southern rights interpretations. As these learning processes unfold, alternative interpretations of rights will trickle up to higher-tier actors, infusing the international discourse with greater humility, nuance, and contextual knowledge. The understanding and use of contextually specific language will be most robust among Tier 5 NGOs, however, and least robust among Tier 1 donors and Tier 2 NGOs.

H4: Increasing Calls for Tier 1 and Tier 2 accountability: The rights-based approach insists that all global development sector actors be held accountable. Although donors believe this scrutiny should apply chiefly to developing country states, some local

NGOs will also try to hold upper-tier NGOs and Tier 1 donors accountable. This pressure will result in a plethora of consultative mechanisms and reports, accompanied by little upward accountability in practice.

Rights-based proponents argue that the paradigm should enhance accountability and reduce power differentials across the global development sector. Although most rights-based proponents see developing states as the main duty bearers, they also recognize the duties of Tier 1 donors and other "moral duty bearers" such as international NGOs, local NGOs, families, and private sector companies. They thus claim that the rights-based model's transformative power extends beyond government-citizen relations, challenging international and local NGOs to recognize power dynamics with their partners, and within their own organizations. [86] As an Oxfam review notes, international NGOs "need to be honest and recognize that funding inequalities have too often reduced partnerships to a patron-client relationship. A rights based partnerships assumes that actors in the South bring irreplaceable assets to the effort to secure economic and social justice."[87] To combat these unequal relations, the review has called for increased cross-Tier sharing of goals and decision-making.[88]

Still, there are few formalized mechanisms for holding non-state actors accountable, and much of the money and power will remain in the hands of upper-tier donors and international NGOs. Lower-tier NGOs will be hard pressed to hold donors, international financial institutions, and upper-tier NGOs truly accountable,[89] despite the new accountability principles of the international aid effectiveness agenda. Instead, we expect the development of more North-South "consultative mechanisms," some of which

will be empty exercises, and more attempts (genuine and otherwise) by Northern entities to ask their Southern counterparts what they feel or think.[90] Few of these efforts are likely to trigger real change, however, as the sector's fundamental political economy and power relations remain unchanged.

H5: The Null Hypothesis: The development world is periodically swept by new paradigms and fads, and the rights-based approach may prove no different. It is possible that on-the-ground personnel in international and Southern NGOs will resist the essence of rights-based change, making only token and rhetorical adjustments. Aware of this lack of real buy-in, donors may eventually tire of the paradigm, relegating it to the dustbin of development history.

Finally, we entertain the null hypothesis, namely that there will be no real change among international and local NGOs. The rights-based approach is by now over 10 years old, and proponents are still struggling to demonstrate the paradigm's value-added. This is tough to do, however, because there is little high quality baseline data, and because the long-term nature of rights-based development makes monitoring and evaluation difficult, expensive, and often impractical. Finally, reports from the field indicate that many NGOs across the global development sector are not finding much local buy-in for rights-based work. Current donor enthusiasm for aid effectiveness and results-based management has compounded this problem, since donors are increasingly keen to support projects that demonstrate value for money and clear results. While civil society groups have made rights-based approaches a key priority in their own discussions of aid effectiveness,

donor and partner country responses have been lukewarm, and only a handful have truly endorsed the rights-based approach.

Indeed, many organizations are reporting difficulties in disseminating rights-based thinking from headquarters to field staff and local partners. In 2006, UNESCO commissioned a study to review the relevant experiences of UN agencies, most of which "reported that government and non-government partners [were] largely ignorant of the human rights-based approach . . . [a problem that was] compounded by the relative lack of familiarity with the approach within agencies themselves."[91] The experience of many international NGOs is similar, and in many cases, the rights-based approach is more rhetorical than actual.[92] Evaluations and reviews of rights-based development indicate that many INGO field staff, and partner organizations, Western and Southern alike, do not know what a RBA entails in theory and practice.[93] For example, a review of Norwegian Missions in Development, an umbrella group consisting of eighteen mission organizations, found poor knowledge and application of the rights-based approach in the field.[94] Reviews of Norwegian People's Aid and CARE US also found that tools (and skills) for implementing the rights-based approach were lacking.[95] According to a 2006 OECD review, moreover, translating rights-based policy into practice is also one of the main problems facing rights-based bilateral agencies.[96]

Conceptual confusion over what, precisely, "rights-based thinking" means is one reason that NGOs are encountering dissemination problems.[97] Although many donors and NGOs follow similar general principles on rights-based programming, there are many different interpretations of what this means in practice, especially in terms of the emphasis each places on specific components and outcomes. For example, a UNESCO

review of rights-based programming in the Asia-Pacific region found a wide variety of different strategies; some actors relied on social and interest group mobilization, while others took legal and quasi-legal approaches.[98]

In some cases, field personnel see the rights-based approach as another in a series of headquarters-imposed fads.[99] In other cases, there may be no real rights "champions" within the relevant institution, and rights-based initiative may lose steam. In the United Kingdom's DFID, for example, a senior official promoted the rights-based approach within the agency, but then moved to a new post before the rights-based paradigm was fully consolidated.[100]

These problems have prompted both donors and international NGOs to develop a plethora of rights-based toolkits and framework from the mid-2000s onwards. As a result, it is now possible to find tools for rights-based programming in multiple sectors, including health, sanitation, and women's rights.[101] More recently, the UN launched a new website dedicated to providing tools for development practitioners engaging in rights-based programming, called the HRBA Portal.[102]

The null hypothesis suggests that these tools will not ever ensure true buy-in at the local level, and that implementation of the rights-based approach will never genuinely take off. As a result, some donors may begin to lose interest; as noted above, this may have already occurred within DFID. In Norway, moreover, the country's commitment to rights-based policy - which was a prominent feature in its 2004 White Paper—appears to have declined.[103]

V. Conclusion

This article has demonstrated that the jury should still be out on whether the rights-based approach is a fundamental paradigm shift for the global development sector. The five hypotheses advanced above provide a basis for exploring this question through careful empirical research in the international and local NGO sector. Although we have provided a preliminary case for these expectations, future scholarship can track changes in the development sector through these lenses.

First, we expect a proliferation of new development partnerships as both donors and international NGOs seek rights-based partners and engage with new types of development actors such as religious figures, the media, and human rights activists. Traditional development NGOs that are either unable or unwilling to transition to rights-based work, by contrast, should begin to lose out substantially on contracts, funding opportunities, and donor support.

Second, we expect NGOs of all kinds to increasingly include advocacy efforts in their development projects and work. Third, NGOs operating in higher tiers of the global development sector are likely to employ universalistic rights rhetoric in their mission statements, project justification, and public advocacy. NGOs operating at lower levels of the development sector, by contrast, are more likely to use the kind of context-specific language that resonates more readily with ordinary people.

Four, we expect more frequent calls for accountability by all development actors, prompting the establishment of new consultative mechanisms, fact finding missions, and evaluations aimed at holding recipient governments, donors, and NGOs to account. These

efforts, however, are likely to have more rhetorical than actual effects, as the underlying power relations within the global development sector remain unchanged. Thus while the rights-based approach may change the packaging and rhetoric of the development sector, it cannot, on its own, change its fundamental structure.

Finally, we also provide justification for the null hypothesis, which would claim that the rights-based paradigm is likely to be nothing other than a new development fad slated to soon fade into obscurity. This hypothesis suggests that the overseas development assistance sector is periodically swept by new rhetorical currents as its members struggle with the same set of intractable problems. Each new theoretical concept comes and goes, to be succeeded by yet another, equally unsuccessful, theoretical paradigm.

This article remains agnostic about the possibilities for real change as a result of the rights-based paradigm. Instead, its goal has been to organize the existing data into coherent hypotheses and expectations, hopefully aiding future researchers in their efforts to evaluate and track the rights-based paradigm's effects on international and local NGOs involved in the development and human rights sector.

Figure 1: A Decade of English-Language Publishing on the Rights-Based Approach to Development, 1999-2009

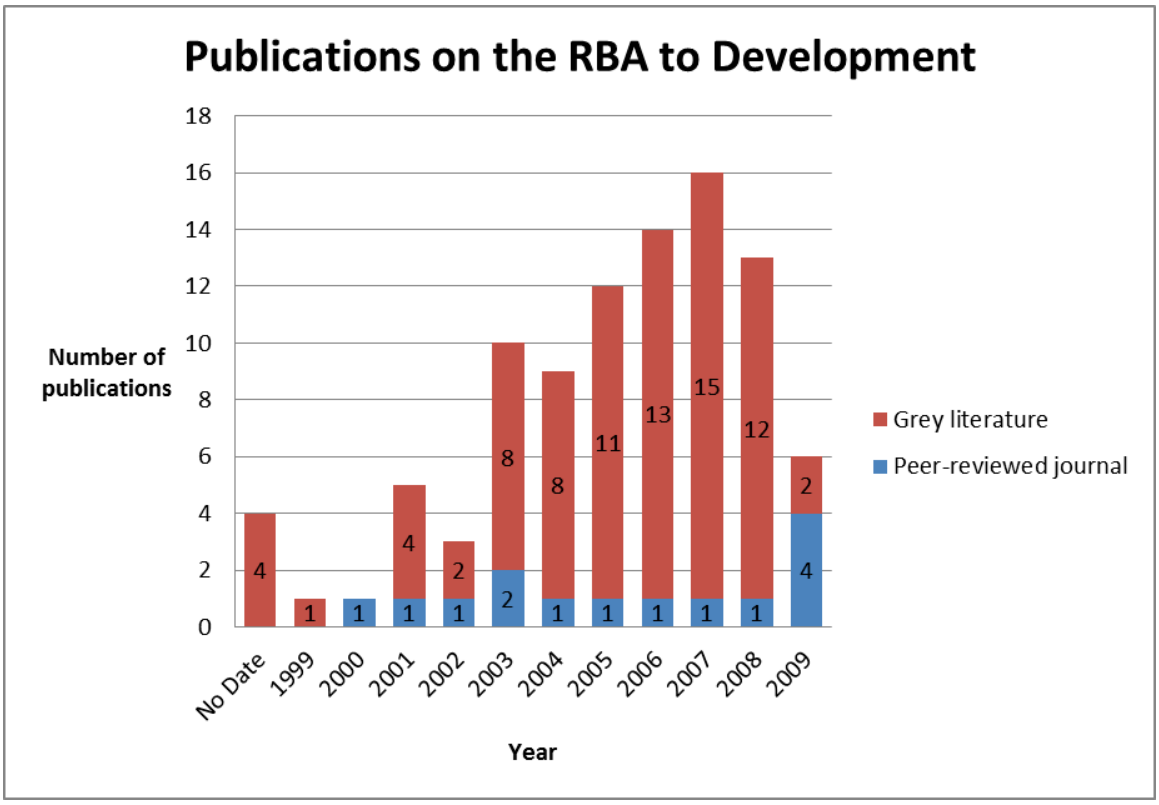


Figure 2: Schematic Overview of the Global Rights-Based Development Sector

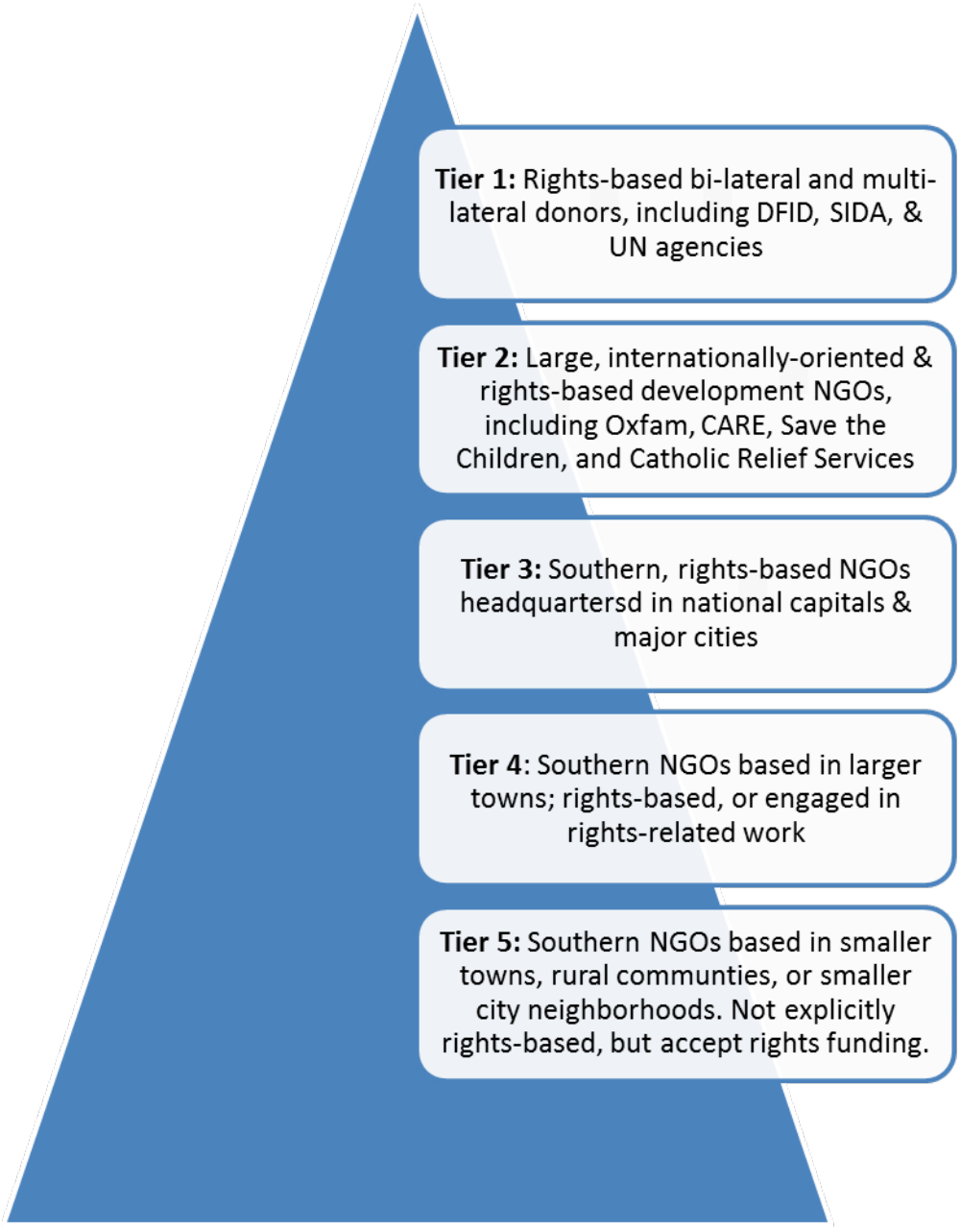
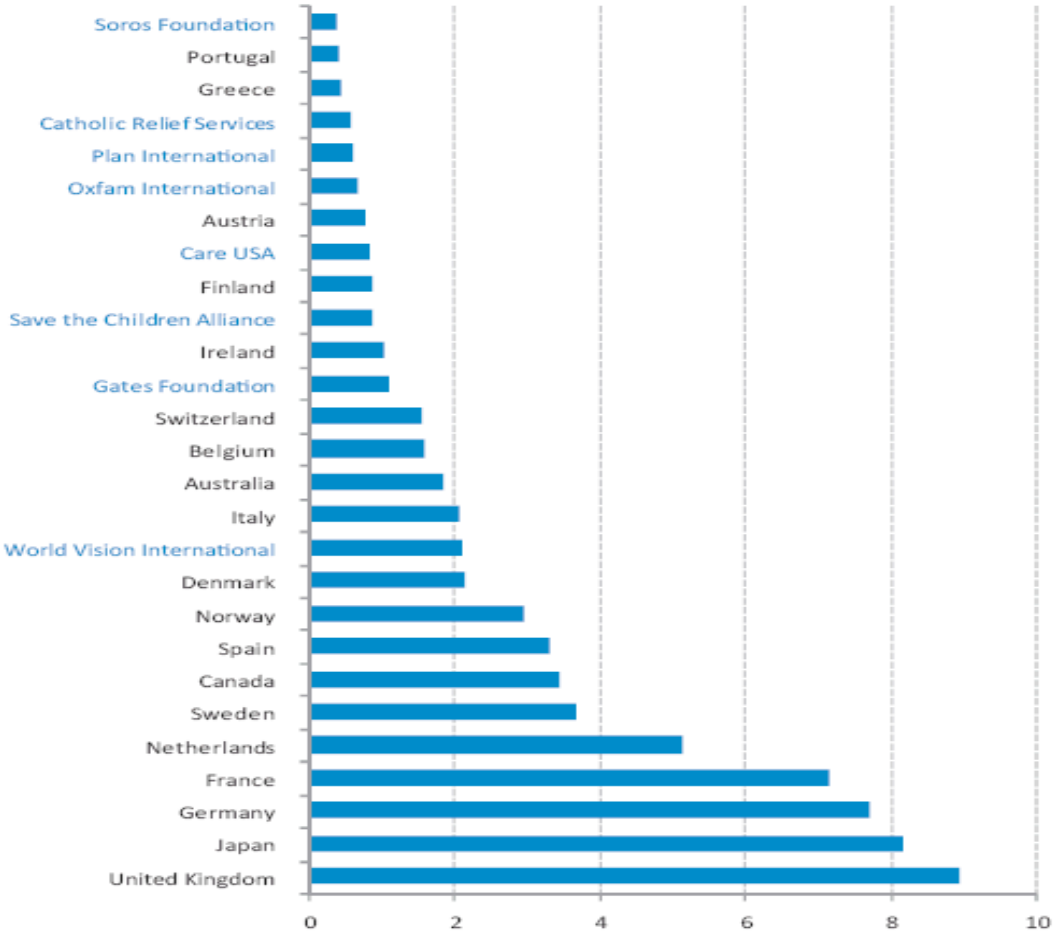


Figure 3: Select Donor and International NGO Annual Budgets, 2005[104]



Source: OECD International Development Statistics for Bilateral aid and Annual Reports of international NGOs for NGO aid.

Appendix A: Kindornay's Methodology for the Rights-Based Approach Literature Scan

Kindornay conducted the bibliographic scan of rights-based approach literature in 2009, using a mix of databases and search terms. She used Google to search web content and locate major research institutions, multilateral donors, and bilateral donors; site searches to locate documents, but also followed links where appropriate. She used Google to search particular websites (e.g. site:worldbank.org + search term). She also used search tools such as "inulr" or "intitle." For scholarly articles, she used Journal Citation Report to locate the 129 journals in the "development and planning" and "political science" fields, and then searched the top thirty-seven that were relevant to human rights or development. She also explored databases such as Sage Publications, Scholars Portal, Wiley InterScience, and Google Scholar. On the following page, we list the databases, websites, and journals that she examined separately. We denote cases where Kindornay used Google to search a particular site with '*'.

The main search terms used for the literature review were:

- rights based
- rights based approach
- rights based AND development
- rights-based development human rights based
- rights based organi*
- rights based organization OR organisation

Kindornay conducted searches with and without quotations under "any field." For the search of

scholarly literature, she added “bilateral”, “multilateral”, “bilateral donor OR donor government”, “multilateral donor” to her list of search terms.

Databases and Websites

Australian Agency for International Development*

Canadian International Development Agency*

Chr. Michelsen Institute

Connect Complete Publications

Danish Institute for Human Rights

EUR-Lex

European Development Fund

European Union website*

General World Bank Website*

Google (web and scholar)

Institute of Development Studies

International Development Research Centre

International Human Rights Network

Irish Aid*

Ministry of Foreign Affairs, Denmark*

Norwegian Agency for Development Cooperation

Organisation for Economic Cooperation and Development

Overseas Development Institute

Royal Tropical Institute

Sage Publications

Scholars Portal

Swedish International Development Cooperation Agency

Swiss Agency for International Development*

UK Department for International Development*

United Nations Development Programme Publications

Wiley InterScience

World Bank eLibrary

Journals

African Development Review

American Journal of Political Science

American Political Science Review

Canadian Journal of Development Studies

Comparative Political Studies

Development and Change

Economic Development and Cultural Change

Economic Development Quarterly

Futures

Growth and Change

Human Rights Quarterly

IDS Bulletin

International Development Planning Review

International Journal of Urban and Regional Research

International Studies Quarterly

Journal of American Planning Association

Journal of Development Studies

Journal of International Development

Journal of Rural Studies

Latin American Perspectives

Latin American Politics and Society

Local Government Studies

Long Range Planning

New Political Economy

Political Analysis

Political Geography

Politics and Society

Public Administration and Development

Review of Development Economics

Social Policy and Administration

Studies in Comparative International Development

Sustainable Development

The Developing Economies

Third World Quarterly

World Bank Economic Review

World Bank Research Observer

World Development

Appendix B: Ron's Interviews with 125 Workers in the Global Rights-Based Development Sector

Prior to conducting the 125 structured and semi-structured interviews with respondents from sixty countries, Ron and his research assistant conducted ten pilot interviews in June 2005 with participants in a three-week human rights training seminar, the *International Human Rights Training Program*, or IHRTP. The program is organized annually by the Montreal-based NGO, *Equitas: The International Centre for Human Rights Education,* with financial support from Canada's donor agency, the Canadian International Development Agency (CIDA).

Ron worked with a team of assistants to conduct a further 125 standardized interviews at the IHRTP in June 2006, 2007, and 2008. The interview schedule consisted of ninety-one questions (seventy closed and twenty-one open), fifty of which were orally administered, and forty-one of which were pen-and-pencil. Interviews took place in English or French, and lasted, on average, fifty-eight minutes, with a range of twenty-three to eight-four minutes.

The survey's sampling frame is the roughly 380 IHRTP participants in the years 2006 through 2008. Ron's team selected their sample purposively, with an eye towards obtaining a balance of respondents in terms of region, language (French or English), and gender. Some 600 individuals apply each year to the IHRTP, and from these, *Equitas* staffers select 100-130 each year for participation (of which about ninety percent eventually arrive in Canada). Selection criteria include the applicants' depth of experience in rights-related work; the strength of their recommendations and statement of intent; and eligibility for Canadian Overseas Development Assistance, typically granted to countries below a certain per capita national income.

According to *Equitas* staff, program participants hail from a wide cross section of

organizations and social justice sectors. The bulk work for non-governmental organizations of various kinds, but a small minority work for national human rights commissions or other governmental bodies. Most come from the global South or former communities countries; a small number come from Canada or other Northern countries, and all of these were excluded from our sample.

Workplace Characteristics: Seventy-five percent of our respondents worked in their countries' non-profit sector, focusing on social justice, migrant rights, the rule of law, women's rights, civic education, and development, broadly interpreted. Only twelve percent worked for the public sector, and most of these were in national human rights commissions.

The median founding date of our respondents' organization at the time of interview was 1996. The median staff size of their organizations was twenty-five, suggesting that these are relatively large groups. Most of these entities focused their energies on the national (fifty-seven percent) or sub-national (twenty-four percent) level, while only nineteen percent worked at the global or world regional level. Their focus is largely domestic, rather than regional or international.

Respondent characteristics: Our respondents were in their mid-thirties, on average (1972 is their median birth-year), and occupied either senior (forty-six percent) or mid-ranking (forty-six percent) positions within their organizations. The sample was evenly divided among men and women. Most worked full-time (sixty-seven percent) or part-time (nine percent), while only twenty-four percent were unpaid volunteers. Financially, rights-based employment provided sixty-one percent of our respondents with a "decent standard of living," suggesting that NGO work was a viable career path. Most (seventy-nine percent) said their salaries were "better than

that of a secondary school teacher" in their country's capital city, our yardstick for relative compensation.

The respondents' professional backgrounds were varied, with no single profession dominating. A slight majority (fifty-four percent) had more than eight years experience with a rights-based NGO, while thirty-five percent had experience with other types of NGOs. Less than a third (twenty-nine percent) had trained as lawyers. Other professional backgrounds included teachers (fifteen percent) and social workers (ten percent). Virtually everyone (ninety-six percent) had attended university, while over half (fifty-six percent) had grown up in a major urban centre.

Finally, the sample was geographically diverse. Our respondents hailed from sixty countries across the global South and former communist zone. Regionally, 28.8 percent came from sub-Saharan Africa; sixteen percent from Latin and Central America; 13.6 percent from South Asia (India, Pakistan, Bangladesh, and Sri Lanka); 13.5 percent from the Middle East and North Africa; 12.8 percent from Southeast and East Asia; 15.2 percent from Eastern Europe, the Russian Federation, and Central Asia.

Endnotes

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[2] See, e.g., UK INTER-AGENCY GROUP ON RIGHTS BASED APPROACHES, ANALYSIS WORKSHOP REPORT: DOES IMPLEMENTING A RIGHTS BASED APPROACH INCREASE IMPACT ON POVERTY REDUCTION? (2006) available at http://www.crin.org/docs/iap_workshop.pdf (herein after UK Inter-Agency Group); SHEENA CRAWFORD, UK INTER-AGENCY GROUP, THE IMPACT OF RIGHTS-BASED APPROACHES TO DEVELOPMENT (2006) available at http://hrbaportal.org/wp-content/files/1237942637inter_agency_rba.pdf; DANISH INSTITUTE FOR HUMAN RIGHTS, WORKSHOP ON RIGHTS BASED APPROACHES: WORKSHOP REPORT (2006) available at http://www.humanrights.dk/research/proceedings/proceedings+from+workshop+on+rights+based+approaches; JAKOB K. BOESEN & MARTIN THOMAS, DANISH INSTITUTE FOR HUMAN RIGHTS, APPLYING A RIGHTS-BASED APPROACH: AN INSPIRATIONAL GUIDE FOR CIVIL SOCIETY (2007) available at http://www.humanrights.dk/files/pdf/Publikationer/applying%20a%20rights%20based%20approach.pdf; UNITED NATIONS POPULATION FUND, A HUMAN RIGHTS-BASED APPROACH TO PROGRAMMING: PRACTICAL INFORMATION AND TRAINING MATERIALS 3 (2010), available at http://www.unfpa.org/public/cache/offonce/publications/pid/4919 (herein after UNFPA); WORLD HEALTH ORGANIZATION, HUMAN RIGHTS, HEALTH, AND POVERTY REDUCTION STRATEGIES (WHO, Health & Human Rights Publication Series Issue No. 5, 2008), available at http://whqlibdoc.who.int/hq/2008/WHO_HR_PUB_08.05_eng.pdf LEE WALDORF, UNITED

NATIONS DEVELOPMENT FUND FOR WOMEN, CEDAW AND THE HUMAN RIGHTS BASED APPROACH TO PROGRAMMING (2007) available at http://www.unifem.org/materials/item_detail.php?ProductID=94; TODD LANDMAN, UNDP, INDICATORS FOR HUMAN RIGHTS BASED APPROACHES TO DEVELOPMENT IN UNDP PROGRAMMING: A USERS' GUIDE (2006) available at http://www.undp.org/governance/docs/HR_guides_HRBA_Indicators.pdf;

UNAIDS INTERAGENCY TASK TEAM ON GENDER & HIV/AIDS, ROYAL TROPICAL INSTITUTE, OPERATIONAL GUIDE ON GENDER AND HIV/AIDS: A RIGHTS-BASED APPROACH (2005) available at http://www.kit.nl/net/KIT_Publicaties_output/ShowFile2.aspx?e=834 (herein after UNAIDS); ANDRÉ FRANKOVITS, UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (herein after UNESCO), THE HUMAN RIGHTS BASED APPROACH AND THE UNITED NATIONS SYSTEM (2005) available at http://unesdoc.unesco.org/images/0014/001469/146999e.pdf; UNESCO, DOCUMENTING EMERGING LESSONS LEARNED FOR HUMAN RIGHTS-BASED PROGRAMMING: AN ASIA-PACIFIC PERSPECTIVE (2007), available at http://unesdoc.unesco.org/images/0015/001549/154946e.pdf; GABRIELLE BERMAN, UNESCO, UNDERTAKING A HUMAN RIGHTS-BASED APPROACH: A GUIDE FOR BASIC PROGRAMMING-DOCUMENTING LESSONS LEARNED FOR HUMAN RIGHTS-BASED PROGRAMMING: AN ASIA-PACIFIC PERSPECTIVE – IMPLICATIONS FOR POLICY, PLANNING AND PROGRAMMING (2008), available at http://unesdoc.unesco.org/images/0017/001791/179186e.pdf; NORAD & NORWEGIAN INSTITUTE FOR HUMAN RIGHTS, HANDBOOK IN HUMAN RIGHTS ASSESSMENT: STATE OBLIGATIONS AWARENESS & EMPOWERMENT (2001), available at http://www.norad.no/en/Tools+and+publications/Publications/Publication+Page?key=109343 .

[3]See, e.g., Bridgitte Hamm, A Human Rights Approach to Development, 23 HUM. RTS. Q. 1005, (2001); Mac Darrow & Amparo Tomas, Power, Capture and Conflict: A Call for Human Rights Accountability in Development Cooperation, 27 HUM. RTS. Q. 471 (2005); Valerie Miller, Lisa VeneKlasen & Cindy Clark, Rights-based Development: Linking Rights and Participation- Challenges in Thinking and Action, 36 IDS BULLETIN. 31, (2005). PETER UVIN, HUMAN RIGHTS AND DEVELOPMENT (2004).

[4] See, e.g., Andrea Cornwall & Celestine Nyamu-Musembi, Putting the 'rights-based approach' to development into perspective, 25 THIRD WORLD Q. 1415, (2004); Sarah Bradshaw, Is the Rights Focus the Right Focus? Nicaraguan responses to the rights agenda, 27 THIRD WORLD Q. 1329, (2006).

[5] DAVID RIEFF, A BED FOR THE NIGHT: HUMANITARIANISM IN CRISIS 315(2002).

[6] Darrow & Tomas, supra note 2, at 471; Paul Nelson & Ellen Dorsey, At the Nexus of Human Rights and Development: New Methods and Strategies of Global NGOs, 31 WORLD DEVELOPMENT. 2013 (2003), 2013, 2016. Early landmark studies articulating this discursive, policy and theoretical merger in Northern development circles include AMARTYA SEN, DEVELOPMENT AS FREEDOM (1999); PETER UVIN, supra note 2. In the global South, human

rights and development practitioners have cooperated more closely for some time. Note that the growing links between humanitarian and rights-based aid sectors are a separate - but related - phenomenon. For details, see DAVID RIEFF, supra note 5.

[7] André Frankovits refers to this type of analysis as the PANEL analysis, which stands for Participation, Accountability, Non-discrimination, Empowerment, and Linkage to human rights. FRANKOVITS, supra note 1, at 54.

[8] Some international NGOs and UN agencies also include mechanisms for donor accountability to beneficiaries.

[9] See, e.g., SUSAN APPLEYARD, OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (herein after OHCHR), A RIGHTS-BASED APPROACH TO DEVELOPMENT: WHAT THE POLICY DOCUMENTS OF THE UN, DEVELOPMENT COOPERATION AND NGO AGENCIES SAY (2002); THE HUMAN RIGHTS BASED APPROACH TO DEVELOPMENT COOPERATION TOWARDS A COMMON UNDERSTANDING AMONG THE UN AGENCIES (2003) available at http://portal.unesco.org/shs/en/files/7947/11315577601Statement_on_a_Common_Understanding_of_HRBA.pdf/Statement%2Bon%2Ba%2BCommon%2BUnderstanding%2Bof%2BHRBA.pdf (herein after COMMON UNDERSTANDING); Raymond Offenheiser & Susan Holcombe, Challenges and Opportunities in Implementing a Rights-Based Approach to Development: An Oxfam American Perspective, 32 NONPROFIT AND VOLUNTARY SECTOR Q. 268 (2003); JENNIFER CHAPMAN, GLOBAL POVERTY RESEARCH GROUP, RIGHTS-BASED DEVELOPMENT: THE CHALLENGE OF CHANGE AND POWER (2005) available at http://www.gprg.org/pubs/workingpapers/pdfs/gprg-wps-027.pdf; CECILIA LUTRELL, HÉLÈNE PIRON & DEBORAH THOMPSON, OVERSEAS DEVELOPMENT INSTITUTE, OPERATIONALIZING NORWEGIAN PEOPLE'S AID'S RIGHTS-BASED APPROACH (2005), available at http://www.reliefweb.int/rw/lib.nsf/db900sid/AMMF-6VUJC3/$file/ODI-Mar2005.pdf?openelement; ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT, INTEGRATING HUMAN RIGHTS INTO DEVELOPMENT: DONOR APPROACHES, EXPERIENCES, AND CHALLENGES (2006) (herein after OECD); OHCHR, FREQUENTLY ASKED QUESTIONS ON A HUMAN RIGHTS-BASED APPROACH TO DEVELOPMENT COOPERATION (2008), available at http://www.ohchr.org/Documents/Publications/FAQen.pdf; BOESEN & THOMAS, supra note 1.

[10]See, e.g., JOHN ACKERMAN, THE WORLD BANK GROUP, HUMAN RIGHTS AND SOCIAL RESPONSIBILITY, Social Development Papers, Paper No. 86, 1-2 (2005), available at http://portals.wi.wur.nl/files/docs/gouvernance/HumanRightsandSocial0AccountabilityFINAL.pdf; STEPHEN P MARKS, THE HUMAN RIGHTS FRAMEWORK FOR DEVELOPMENT: SEVEN APPROACHES,

François-Xavier Bagnoud Center for Health and Human Rights Working Paper (2003) (on file with author) (defining and understanding various approaches to [human] rights-based development).

[11] When the RBA was initially adopted, it was often contrasted with the needs-based approach to development.

[12] Darrow & Amparo, supra note 2, at 471.

[13] FRANKOVITS, supra note 1, at 15. Donor proponents of the RBA do not place a strong emphasis on this declaration; rather, they focus on the overall international human rights framework. Cornwall and Nyamu-Musembi speculate that the RBA has been able to gain traction internationally because it was distanced from the Right to Development discourse, which some donors feared would legally oblige them to provide specified amounts and types of foreign aid (Cornwall & Nyamu-Musembi, supra note 3, at 1424).

[14] Cornwall & Nyamu-Musembi, supra note 3, at 1423; PETER UVIN, supra note 2.

[15] NITZA BERKOVITCH, FROM MOTHERHOOD TO CITIZENSHIP: WOMEN'S RIGHTS AND INTERNATIONAL ORGANIZATIONS (1999); C.L MCNEELY, CONSTRUCTING THE NATION-STATE: INTERNATIONAL ORGANIZATION AND PRESCRIPTIVE ACTION (1995).

[16] OECD, supra note 9, at 26; Frankovits, supra note 1, at 15. According to Cornwall and Nyamu-Musembi, the principle that rights are indivisible, interdependent, and non-hierarchical has become a 'mantra' since then (supra note 3, at 1423).

[17] Supra note 6; Elvira D. Redondo, The Millennium Development Goals and the human rights based approach: reflecting on structural chasms with the United Nations system, 13 INT'L J. HUM. RTS. 29, 30-31.

[18]According to Cornwall & Nyamu-Musembi, principles of RBA are not new, but are rooted in the "struggles for self-definition and for social justice long before the discourse of rights 'went global' in the post-World War II period"(supra note 3, at 1420).

[19] Nelson & Dorsey, supra note 6, at 2015-2018. See also Cornwall and Nyamu-Musembi, supra note 3, at 1423. Both Amnesty International and Human Rights Watch now include social and economic rights in their work. Amnesty's "Demand Dignity" campaign is largely focused on poverty as an abuse of rights in itself, as well as the root cause of other abuses. See IRENE KHAN & DAVID PETRAZECK, THE UNHEARD TRUTH: POVERTY AND HUMAN RIGHTS (2009)..

[20] Nelson & Dorsey, supra note 6, at 2019.

[21] See The Coalition, http://www.child-soldiers.org/coalition/the-coalition. See also Nelson & Dorsey, supra note 6.

[22] See, e.g., COMMON UNDERSTANDING, supra note 9. The Common Understanding distinguishes between good programming practice, which development agencies had been using for some time and HRBA, stating that while good programming practices are necessary for good development, they alone do not constitute a RBA to development. See also LAURE-

HÉLÈNE PIRON, OVERSEAS DEVELOPMENT INSTITUTE, LEARNING FROM THE UK DEPARTMENT FOR INTERNATIONAL DEVELOPMENT'S RIGHTS-BASED APPROACH TO DEVELOPMENT ASSISTANCE 9 (2003), 12-13, available at http://www.odi.org.uk/resources/download/1560.pdf (on DFID's adoption of the RBA, which was essentially comprised of three pillars, participation, inclusion and fulfilling obligations, all principles and areas consistent with DFID's programming at the time).

[23] UNITED NATIONS DEVELOPMENT PROGRAMME, HUMAN DEVELOPMENT REPORT: HUMAN RIGHTS AND HUMAN DEVELOPMENT (2000), available at hdr.undp.org/reports/global/2000/en/ (herein after UNDP).

[24] FRANKOVITS, supra note 1, at 22-3.

[25]See, e.g., SWISS AGENCY FOR DEVELOPMENT AND COOPERATION, SWISS MINISTRY OF FOREIGN AFFAIRS, IMPLEMENTING HUMAN RIGHTS AND POVERTY REDUCTION (2004) available at http://www.sdc.admin.ch/ressources/resource_en_24885.pdf; FRANKOVITS, supra note 1; OECD, supra note 9; INTERNATIONAL HUMAN RIGHTS NETWORK, HUMAN RIGHTS-BASED APPROACHES AND EUROPEAN UNION DEVELOPMENT AID POLICIES (2008), available at http://www.terredeshommes.org/pdf/pressreleases/hrba_briefing_paper.pdf (herein after IHRN); Redondo, supra note 17; UNFPA, supra note 1; WORLD HEALTH ORGANIZATION, supra note 1.

[26]According to Piron, the factors motivating DFID to adopt the rights-based approach included a "favourable international and domestic environment, a change in leadership, and a new vision for the organization." PIRON, supra note 22.

[27]COMMON UNDERSTANDING, supra note 9, at 1.

[28] COMMON UNDERSTANDING, supra note 9, at 2. The UN recognizes that limited resources can hinder the realization of rights, and as such, defines two types of human rights obligations: progressive and immediate. This principle tends to distinguish between social, cultural and economic rights, or positive rights, whose realization can require considerable resources, and civil and political rights, or negative rights, which are less costly and can be realized immediately. For example, an immediate human rights obligation might include eliminating all forms of discrimination between certain groups, freedom of association and freedom of speech. Conversely, with respect to social, cultural, and economic rights, the OHCHR claims that the state is required take immediate steps towards the full realization of these rights, monitor progress, and not discriminate against certain groups in this process; however, the actual realization of these rights will be progressive, rather than immediate OHCHR, supra note 9, at 2-3. Irene Khan, Secretary General of Amnesty International, has critiqued the notion of progressive realization. She argues that the notion of progressive realization perpetuates what she sees as the false dichotomy between civil and political rights, and, social, cultural, and economic rights that tends to emphasize the former set of rights over the latter. See KHAN & PETRASEK, supra note 19.

[29] COMMON UNDERSTANDING, supra note 9.

[30] See, e.g. UNFPA, supra note 1, at 3; FRANKOVITS, supra note 1, at 22-3; UNESCO, supra note 1; see also BERMAN, supra note 1; UNAIDS, supra note 1; WALDORF, supra note 1; WORLD HEALTH ORGANIZATION, supra note 1.

[31] LUTRELL, PIRON & THOMPSON, supra note 9; OECD, supra note 9; SWISS AGENCY FOR DEVELOPMENT AND COOPERATION, supra note 25; Offenheiser & Holcombe, supra note 9, at 174; PIRON, supra note 22, at 4. Danish policy documents refer to the rights-based approach as early as 2000, although it is not clear when the country officially adopted the approach. Denmark's approach sees participation, inclusivity, and accountability as central to the approach, similar to DFID.

[32] See MINISTRY OF FOREIGN AFFAIRS OF FINLAND, FINLAND AND THE HUMAN RIGHTS-BASED BASED APPROACH TO DEVELOPMENT (2006); JULIANE OSTERHAUS & FOLKE KAYSER, FEDERAL MINISTRY FOR ECONOMIC COOPERATION AND DEVELOPMENT, THE HUMAN RIGHTS-BASED APPROACH IN GERMAN DEVELOPMENT COOPERATION (2009), available at http://www.gtz.de/de/dokumente/en-hrba-short-2009.pdf.

[33]OECD, supra note 9. The report recognized that not all donors have officially adopted a RBA to development, however all OECD-DAC members have some policy on human rights and contribute to the realization of human rights in their development programming.

[34] The World Bank says it has adopted a rights-based approach to social policy, terming this a "Social Guarantees Approach." In theory, this approach allows countries to prioritize the rights they want to work on and translate them into "social guarantees." Its main features include non-discrimination, widespread communication, government accountability, and mechanisms for redress. See SOCIAL DEVELOPMENT DEPARTMENT OF THE WORLD BANK, IN COLLABORATION WITH THE DEPARTMENT OF SOCIAL DEVELOPMENT AND EMPLOYMENT OF THE ORGANIZATION OF AMERICAN STATES, THE WORLD BANK GROUP, INCREASING SOCIAL INCLUSION THROUGH SOCIAL GUARANTEES: A POLICY NOTE (FIRST DRAFT) 1-7 (2007) available at http://www.sedi.oas.org/ddse/documentos/Desarrollo%20Social/1minist/6.%20Increasing%20Social%20Inclusion%20Through%20Social%20Guarantees.pdf; SOCIAL DEVELOPMENT DEPARTMENT, THE WORLD BANK GROUP, REALIZING RIGHTS THROUGH SOCIAL GUARANTEES: AN ANALYSIS OF NEW APPROACHES TO SOCIAL POLICY IN LATIN AMERICA AND SOUTH AFRICA viii, 75 (2008) available at http://siteresources.worldbank.org/EXTSOCIALDEVELOPMENT/Resources/244362-1164107274725/3182370-1164107324437/Realizing_Rights_through_Social_Guarantees-web1.pdf; THE WORLD BANK GROUP. SOCIAL ANALYSIS NEW- A RIGHTS-BASED APPROACH TO SOCIAL POLICY, available at http://go.worldbank.org.proxy.library.carleton.ca/P2LXPQU1Z0. More recently, the World Bank released an edited volume on the RBA to social guarantees, see BUILDING EQUALITY AND OPPORTUNITY THROUGH SOCIAL GUARANTEES: NEW APPROACHES TO PUBLIC POLICY

AND THE REALIZATION OF RIGHTS (Estanislao Gacitúa-Marió, Andrew Norton & Sophia V. Georgieva, eds. 2009) available at http://go.worldbank.org/VVK4D3ESI0.

[35] Malcom Malone & Deryke Belshaw, The Human Rights-based Approach to Development, 20 TRANSFORMATION 77, 86 (2003); Emma Tomalin, Religion and a rights-based approach to development, 6 PROGRESS IN DEV. STUDIES, 93 (2006).

[36] RIGHTS AND DEVELOPMENT GROUP, RIGHTS-BASED DEVELOPMENT FROM A FAITH-BASED PERSPECTIVE, (2008) available at http://www.kirkensnodhjelp.no/Documents/Kirkens%20Nødhjelp/Tematiske%20filer/Godt%20styresett/Rights%20Position%20PaperPost%20AssemblyDefinitief_.pdf; for a broader discussion on RBAs, religious sensitivity in development work and engaging with local faith-based organizations, see Emma Tomalin, supra note 35.

[37] The WP-EFF is a multi-stakeholder forum, distinct from the OECD-DAC, that brings together policymakers and aid practitioners from donor and developing countries and multilateral development agencies, as well as CSO representatives. The WP-EFF monitors progress on implementing the international aid effectiveness agenda, aims to improve partnerships between aid actors, and serves as the principle discussion forum on issues related to aid effectiveness. Organisation for Economic Cooperation and Development – Development Assistance Committee, Working Party on Aid Effectiveness: overview, www.oecd.org/document/4/0,3343,en_2649_3236398_43414212_1_1_1_1,00.html.

[38] See, e.g., BETTERAID. BETTERAID POLICY PAPER: PRELIMINARY DRAFT FOR CONSULTATION (2010) (on file with authors); BETTERAID,DEVELOPMENT COOPERATION: NOT JUST AID (2010), available at http://www.betteraid.org/index.php?option=com_content&view=article&id=257%3Adevelopment-cooperation-not-just-aid&catid=157%3Apolicy-papers&Itemid=28&lang=en. CSOs are represented by the BetterAid Platform in the WP-EFF. It is coordinated by the BetterAid Coordinating Group, which is made up of 28 CSO networks and international non-governmental organizations. This group is coordinating CSO preparations for the 4th High Level Forum and has two seats on WP-EFF. It is also on the WP-EFF Executive Committee.

[39] The National Science Foundation funded the project (NSF-SES 849610). Carpenter was the project's Principal Investigator, and Ron was a project Collaborator. For details, see http://www.people.umass.edu/charli/networks/.

[40] Carpenter visually presented the data at http://duckofminerva.blogspot.com/2011/06/visualizing-human-rights-issue-agenda.html. The IssueCrawler co-link analysis tool was invented by Richard Rogers at Amsterdam's Govcom.org foundation (see https://www.issuecrawler.net/). Carpenter coded the mission statement data with help from assistants at Stuart Schulman's University of Massachusetts' Qualitative Data Analysis Project.

[41]OECD, supra note 9, at 41.

[42]OECD, OECD Statistics, http://stats.oecd.org/Index.aspx. The extent to which RBA is practiced within the organization and serves as a requirement for INGO, NGO, and CBO support varies. Norway requires that NGO partner programmes outline their human rights components (NORAD & NORWEGIAN INSTITUTE FOR HUMAN RIGHTS, supra note 1, at 19).Conversely, a DFID - Care-UK agreement explicitly refers to RBA and requires Care-UK to develop practical rights-based tools, including various methodologies and approaches that can be used in promoting RBAs to development. The aim here is to promote the effective adoption of RBAs within Care-UK as well as by other major development actors (DFID, DFID – CARE INTERNATIONAL (UK) PARTNERSHIP PROGRAMME AGREEMENT 2005-2011 (2005), 1).

[43]Care-UK is receiving the lowest amount, at just over 22 million USD (11 million GBP) while Oxfam weighs in at just under56 million USD (28 million GBP) (2007 World Development Indicators, LCU exchange rate), representing the largest recipient of the four organizations (Partnership agreements available at http://www.dfid.gov.uk/Working-with-DFID/Funding-opportunities/Not-for-profit-organisations/PPAs/.

[44] 378 million SEK (2005 World Development Indicators, LCU exchange rate). CRISTINA A. RODRIGUEZ-ACOSTA, LINA LENEFORS, MOHAMED SALIH, ARNE SVENSSON & TONY BENNET, SWEDISH INTERNATIONAL DEVELOPMENT COOPERATION AGENCAY, SYSTEM-BASED AUDIT OF SAVE THE CHILDREN SWEDEN (SCS) (2008), 11.

[45] OECD-DAC, NORWAY DEVELOPMENT ASSISTANCE COMMITTEE PEER REVIEW (2008), 37, available at http://www.oecd.org/document/43/0,3343,en_2649_34603_41833003_1_1_1_1,00.html.

[46] Save the Children Norway, Norwegian Church Aid, Norwegian People's Aid, and the Norwegian Refugee Council are either rights-based organizations or support rights-based programming and strategies.

[47]156 million GBP, (2000 nominal exchange rates, INTERNATIONAL MONETARY FUND, WORLD ECONOMIC OUTLOOK (2007), available at http://www.imf.org/external/pubs/ft/weo/2007/01/).

[48] EUROPEAN INSTRUMENT FOR DEMOCRACY AND HUMAN RIGHTS, ANNUAL WORK PROGRAMME FOR GRANTS (2009), available at http://ec.europa.eu/europeaid/documents/awp/2009/ec_awp_eidhr2_2009_en.pdf. According to the 2009 Annual Work Program for Grants 15.1million USD (14 million Euro) will be directed at enhancing human rights and fundamental freedoms while 60 million USD (55.5 million Euro) will go to 77 country based support schemes, which include strengthening civil society capacity to promote human rights and democratic reform (2000 nominal exchange rates, IMF supra note 47, at 236. EIDHR funds NGOs and CSOs without requiring government consent or involvements, however most of the funding goes to northern NGOs (OECD, supra note 9, 41).

[49] In 2007, for example, one of the authors (Ron) traveled to Mumbai and New Delhi with the Tier 2 NGO, Catholic Relief Services (CRS), visiting rights-based projects run by Tier 3-5 NGOs that CRS had funded with money it had itself received from Tier 1 donors.

[50]For the 2008 financial year, CARE-USA's total operating support and revenue was just over 707 million USD, of which over 484 million USD went to development projects (CARE-USA, Consolidated Financial Statements (2009), available at http://www.care.org/newsroom/publications/annualreports/downloads/2008_financials.pdf. Oxfam International spent over 704 million USD on development and relief programming for the 2006/7 period (consolidated amount includes affiliates) (Stitching Oxfam International, Summary financial statements, 2007 (2007), available at http://www.oxfam.org/en/about/accountability. Of its $467, 794 USD expenditures for 2008, the Save the Children Federation, which is both an implementing and sub-contracting organization, gave over $106 million to other agencies in the form of grants (SAVE THE CHILDREN FEDERATION, FINANCIAL STATEMENTS (2008), available at http://www.savethechildren.org/site/c.8rKLIXMGIpI4E/b.6229505/k.5C4E/Financial_Information.htm.

[51] Human Rights Watch's 2009-10 budget will be in the $45 million USD range, according to a June 6, 2010 conversation with the HRW Executive Director. Amnesty International's 2007-08 expenditures were 35 million GBP, according to its Report and Financial Statements for the Year Ended March 31, 2008, available at http://www.amnesty.org/en/library/asset/FIN40/004/2009/en/054ff402-edaa-412d-9d30-d0d32859396b/fin400042009en.pdf.

[52] Dirk-Jan Koch, A Paris Declaration for International NGOs? 73 POLICY INSIGHTS 1 (2008).

[53] Catholic Relief Services uses the term "justice lens" to refer to its rights-based approach (APPLEYARD, supra note 9, at 26-27).

[54] OECD, supra note 9, at 42. For a project launched in 2000 in India, CARE USA changed to a rights-based approach midstream, hiring a full time advocacy person and rights-coordinator. JUDE RAND, CARE'S EXPERIENCE WITH ADOPTION OF A RIGHTS-BASED APPROACH: FIVE CASE STUDIES (2002), 52, available at http://www.fao.org/righttofood/kc/downloads/vl/docs/CARE_case_studies.pdf. CARE USA

[55] INTER-AGENCY GROUP, supra note 1, at 26-7.

[56] See, e.g., BOESEN & THOMAS, supra note 1. The Danish Institute for Human Rights recently released a guide for Southern civil society organizations on applying a RBA. The guide provides a thorough explanation on how to carry out all aspects of rights-based programming from initial problem analysis to implementation. However, these processes require considerable resource and technical capacity, and many Southern NGOs may not have the resources to devote to a holistic human rights assessment, or an extensive monitoring process. For example, under capacity building, activities include research, creating documents for

training and education, raising awareness and organizational or network development (BOESEN & THOMAS, supra note 1, at 26). However, in closing the booklet does acknowledge that RBA must be adapted to country context and that each organization will choose to take on RBA to different degrees (BOESEN & THOMAS, supra note 1, at 35)

[57] TIM BRAUNHOLTZ-SPEIGHT, MARTA FORESTI, KAREN PROUDLOCK & BHAVNA SHARMA, OVERSEAS DEVELOPMENT INSTITUTE, DFID HUMAN RIGHTS PRACTICE REVIEW: SYNTHESIS REPORT (2008), 11, available at http://www.odi.org.uk/resources/download/2586.pdf.

[58] OECD, supra note 9, at 66.

[59] UNITED NATIONAL SYSTEM STAFF COLLEGE. EXPERIENCES IN APPLYING HUMAN RIGHTS BASED APPROACHES (2010), 7, available at http://hrbaportal.org/wp-content/files/1278695062unsschrbaexperiences2010final.pdf.

[60] UNITED NATIONAL SYSTEM STAFF COLLEGE, supra note 59, at 7.

[61] UNITED NATIONAL SYSTEM STAFF COLLEGE, supra note 59, at 16.

[62]BARSOUM, RIFAAT, EL-GIBALY, ELWAN, FORCIER & SHUKRALLA, supra note 62, at 24.

[63]DEUTSCHE GESELLSCHAFT FÜR TECHNISCHE ZUSAMMENARBEIT (GTZ), PROMISING PRACTICES ON THE HUMAN RIGHTS-BASED APPROACH IN GERMAN DEVELOPMENT COOPERATION (2009), available at http://hrbaportal.org/?p=3728.

[64] NORAD & NORWEGIAN INSTITUTE FOR HUMAN RIGHTS, supra note 1, at 4.

[65] MINISTRY OF FOREIGN AFFAIRS OF FINLAND, GUIDELINES FOR CIVIL SOCIETY IN DEVELOPMENT POLICY (2010),14, available at http://www.formin.fi/public/download.aspx?ID=66978&GUID={2FA998A1-C336-4A8A-8FFA-1521E32B9804.

[66] £14 million,(2009 World Development Indicators, LCU exchange rate).

[67] Emphasis original. See DFID, Civil Society Challenge Fund Application Guidelines (2010), 9, http://www.dfid.gov.uk/Working-with-DFID/Funding-opportunities/Not-for-profit-organisations/CSCF/Civil-Society-Challenge-Fund-Application-Guidelines/#introductiontodfidswork.

[68] DFID, supra note 71, at 53.5.

[69] CARE INTERNATIONAL, CI PROGRAM STANDARDS FRAMEWORK 2003, available at http://www.care-international.org/About-CARE-International/View-category.html. In 2009 CARE Denmark established draft rights-based approach guidelines which stated that partner selection would rely on a proven track record of empowerment and promotion of vulnerable

groups' rights. CARE DENMARK, RIGHTS-BASED APPROACH GUIDELINES (2009), 11, available at http://www.careclimatechange.org/files/toolkit/CDK_Rights-Based_Guidelines.pdf

[70] Oxfam Great Britain, Working with others (n.d), http://www.oxfam.org.uk/resources/accounts/downloads/partnership_policy_principles.pdf

[71]RODRIGUEZ-ACOSTA, LENEFORS, SALIH, SVENSSON & BENNET supra note 44, at 47.

[72] LUTRELL, PIRON & THOMPSON, supra note 9, at 28.

[73] LISA VENEKLASEN, VALERIE MILLER, CINDY CLARK & MOLLY REILLY, JUST ASSOCIATES, RIGHTS-BASED APPROACHES AND BEYOND: LINKING RIGHTS AND PARTICIPATION: CHALLENGES OF CURRENT THINKING AND ACTION (2004), 16 available at http://www.justassociates.org/Rights%20based%20appraoches%20and%20beyond.pdf.USAID does not endorse the idea of economic rights, with the exception of investor and property rights. However, changing conditions and the rise of credible, well-funded Southern organizations with a clear anti-poverty rights agenda has led some US-based NGOs to expand their rights focus to include social, cultural, and economic rights (Supra note 78, at 17). A 2002 review of CARE USA's preliminary shift to the rights-based approach in Uganda similarly acknowledged that USAID was not "terribly supportive" of the change (Rand, supra note 54, at 17). The Canadian International Development Agency's (CIDA) 2001 child and youth strategy was explicitly rights-based CIDA, CIDA'S ACTION PLAN ON CHILD PROTECTION (2001). CIDA's newest strategy (2010), makes no mention of rights, indicating a move away from rights-based programming in this area.

[74] STEIN-ERIK KRUSE & KIM FORSS, NORWEGIAN AGENCY FOR DEVELOPMENT COOPERATION, ORGANISATIONAL PERFORMANCE REVIEW OF NORWEGIAN PEOPLE'S AID SYNTHESIS REPORT i, 1 (2007), 12, available at http://www.norad.no/items/8158/38/0516917590/1_Organisational%20Performance%20Review%20of%20Norwegian%20Peoples%20Aid%20-%20Synthesis%20Report.pdf,

[75] KRUSE & FORSS, supra note 79, at 12..

[76] LISA VENEKLASEN, VALERIE MILLER, CINDY CLARK & MOLLY REILLY, RIGHTS-BASED APPROACHES AND BEYOND:

CHALLENGES OF LINKING RIGHTS AND PARTICIPATION (INSTITUTE OF DEVELOPMENT STUDIES, WORKING

Paper No. 235, Dec. 2004), 3, available at www.ids.ac.uk/ids/bookshop/wp/wp235.pdf

[77] The OECD, for example, argues that both donors and NGOs should phase out service delivery and work instead "at the level of the overall legal and policy framework." (OECD, supra note 9, at 65 and 108.) For a similar argument about the humanitarian aid, see ALEX DE WAAL, FAMINE CRIMES: POLITICS AND THE DISASTER RELIEF INDUSTRY IN AFRICA (1997).

[78] Miller, VeneKlasen & Clark, supra note 2, at 35.

[79] Chapman, supra note 9, at 35; DANISH INSTITUTE FOR HUMAN RIGHTS, supra note 1, at 4; Miller, VeneKason & Clark, supra note 2, at 36.

[80] SAMUEL POPKIN, THE RATIONAL PEASANT: THE POLITICAL ECONOMY OF RURAL SOCIETY IN VIETNAM (1979); JOEL S. MIGDAL, PEASANTS, POLITICS AND REVOLUTION: PRESSURE TOWARD POLITICAL AND SOCIAL CHANGE IN THE THIRD WORLD (1975).

[81] VENEKLASEN, MILLER, CLARK & REILLY, supra note 78, at 4.

[82] LUTRELL, PIRON & THOMPSON, supra note 9, at 27; see also Tomalin, supra note 35.

[83] The same is true in the world of academic scholarship. The more researchers are embedded in the particularities of rights-based work, the more skeptical they tend to be of the utility of universalizing rights language. See, e.g., SALLY ENGLE MERRY, HUMAN RIGHTS AND GENDER VIOLENCE: TRANSLATING INTERNATIONAL LAW INTO LOCAL JUSTICE (2006).

[84] Sally Engle Merry, Transnational Human Rights and Local Activism: Mapping the Middle, 108 AMERICAN ANTHROPOLOGIST, 38.

[85] For a similar view, see the INTER-AGENCY GROUP, supra note 1, at 34.

[86] VENEKLASEN, MILLER, CLARK & REILLY, supra note 78, at 23. For example, INGOs may focus on the production of information for local partners rather than the empowerment of local partners. Limited two and three year project timeframes, demanded by donors, reinforce a definition of success measured by the number of workshops held, pamphlets disseminated, and violations documented. VENEKLASEN, MILLER, CLARK & REILLY, supra note 78, at 25.

[87] Offenheiser & Holcombe, supra note 9, at 287.

[88] Offenheiser & Holcombe, supra note 9, at 287-8.

[89] Chapman, supra note 9, at 37.

[90] For an discussion of how Southern (Tier 3-5) rights organizations can stymie international rights-based (Tier 2) NGOs through boycotts and tacit subversion, however, see, SHAREEN HERTEL, UNEXPECTED POWER: CONFLICT AND CHANGE AMONG TRANSNATIONAL ACTIVISTS (2007).

[91] Frankovits, supra note 1, at 60.

[92] See, e.g., UK INTER-AGENCY GROUP, supra note 1; DANISH INSTITUTE FOR HUMAN RIGHTS, supra note 1. The UK Inter-Agency Group is a loose network of UK-based INGOs, such as CARE, Save the Children UK, and Oxfam. The workshop included participants from DFID and multilaterals such as the UNDP. Participants in the Danish workshop included Denmark

based CARE, Red Cross, Save the Children, Ibis, Dan Church Aid, the Danish Institute for Human Rights, and the Danish Refugee Council. The event was financed and hosted by the Danish Ministry of Foreign Affairs.

[93]See, e.g., KRUSE & FORSS, supra note 79; ALEX BORCHGREVINK & JOHN-ANDREW NCNEISH, CHR. MICHELSEN INSTITUTE, REVIEW OF BISTANDSNEMDA'S (NORWEGIAN MISSIONS IN DEVELOPMENT) WORK WITH INDIGENOUS PEOPLES v (2007) available at http://www.cmi.no/publications/file/2902-review-of-bistandsnemdas-norwegian-missions-in.pdf; VENEKLASEN, MILLER, CLARK & REILLY, supra note 78; FRANKOVITS, supra note 1, at 33-4, in relation to UNFPA's experience with the HRBA. Some staff even described the HRBA as just another "fad imposed by headquarters."

[94] BORCHGREVINK & NCNEISH, supra note 98, at v and 21.

[95] KRUSE & FORSS, supra note 79, at 10; RAND, supra note 54, at 9.

[96]OECD, supra note 9, at 21-22. The OECD outlines two other main problems, namely difficulties with partner countries and political barriers, such as lack of commitment, and the need to push human rights into Paris Processes.

[97] In the mid-2000s, many scholars pointed out that the RBA lacks conceptual clarity which undermines its usefulness as a way of doing development. See e.g. Darrow and Tomas, supra note 2; Bradshaw, supra note 3, at 1330. See Cornwall & Nyamu-Musembi, supra note 3, at 1418-1419. For a discussion of different versions of the rights based approach see ACKERMAN, *supra* note 10; MARKS, *supra* note 10; UVIN, *supra* note 2.

[98]UNESCO, supra note 1, at 2.

[99] FRANKOVITS, supra note 1, at 33-4.

[100] PIRON, supra note 22.

[101] See, e.g., WALDORF, supra note 1; BERMAN, supra note 1; PENELOPE ANDREA & CLARE FERGUSSON, WORLD HEALTH ORGANIZATION, HUMAN RIGHTS, HEALTH AND POVERTY REDUCTION STRATEGIES, Health and Human Rights Publication Series Issue No. 5, HR/PUB/08/05 (2008) available at http://www.ohchr.org/Documents/Publications/HHR_PovertyReductionStrageties_WHO_EN.pdf; LANDMAN, supra note 1, UNAIDs, supra note 1; BOESEN & MARTIN, supra note 1.

[102] Available at http://hrbaportal.org/.

[103] OECD-DAC, supra note 45, at 21. Reviewers argue that greater clarity is needed on the status of RBA, as well as the challenges in implementation and lessons learned (OECD-DAC, supra note 45, at 25-26.

[104] Dirk-Jan Koch, supra note 49.