Chapter 3

Human Rights and Development

Building Bridges

The primary focus of human rights is to secure human dignity and promote human well-being. While the objectives of development vary, depending on the ideological orientation of the practitioner or implementing agent, there is some agreement that the ultimate goal of economic growth and development is the improvement of living conditions of all the people, especially the poor (Alston and Robinson 2005). In more recent times, there has been a convergence of views among theorists, policy-makers and practitioners that economic growth is not an end in itself, but a means to an end. Securing economic growth is now widely understood as creating an environment where human life can flourish, an environment where freedoms of people can be expanded. Seen from this angle, human rights and development strategies have a common ground, though in the past and in practice these two realms operated with a huge gulf between them, especially when it came to the practice of rights (UNDP 2000). However, since the 1990s, due to widespread dissatisfaction with the outcome of policies that adopted a narrow focus on a few economic variables, there has been a process of widening horizons beyond the traditional human rights and economic growth concerns within the human rights community and among development practitioners. “In the mid-1990s the human rights community began to engage more directly with their counterparts working on development issues and a movement began to promote [a] rights-based approach [RBA] to development” (Alston and Robinson 2005: 2). While commentators have applauded this merging of rights and development, some analysts are critical of such a marriage, noting that this may mean little in terms of the radical changes needed (Univ 2002; Slim 2002). In this chapter we look more closely at the origins, principles, value added and practical implications, as well as the challenges of, the RBA.

In the last two decades there has been a growing realisation and agreement that the “full realisation of human rights should be a vital goal of development” (Olowu 2009: 16). However, it is important to note that although many international organisations – especially within the UN system, as well as the NGOs and bilateral development agencies – have adopted and implemented the RBA in their operations, very few governments have actually adopted this approach explicitly. With particular reference to African governments, it has been observed that there is very low awareness of the RBA in particular, and ECSR in general. A general observation has been made that the uptake of the RBA has been slow and far from being straightforward. This lack of awareness and
slow uptake has been attributed to the fact that ESCRs have been “under-theo-
ris ed and under-explored” in Africa (Olowu 2009: 6).

What is a Rights-Based Approach to Development?

Most ESCRs – such as the right to water, food, education, health, housing etc. –
are often articulated within the rights-based approach (RBA) framework.
While the RBA in its conception seeks to apply general human rights principles
(which includes civil and political rights), this strategy is widely associated
with ESCRs in both theory and practice. Many human rights activists and
development practitioners who operate within the RBA framework conceive
their work mainly as a struggle for the creation of a society where human dig-
nity is upheld through the fulfilment of basic human needs such as access to
water, food, education, healthcare, etc. (Offenheiser and Holcombe 2003). As
the name suggests, the RBA is not a theory but a practical strategy for integrat-
ing human rights principles in development policy, programming, implementa-
tion, monitoring and evaluation. Although there have been efforts to develop
common understandings and principles of the RBA, there is no single RBA
framework; different organisations have conceptualised, and consequently
applied, the RBA differently.

From the available body of literature and practitioners’ experience, it is
apparent that there is no single definition of the RBA. Although there appears
to be an increase in the number of organisations, including government agen-
cies, that are endorsing the RBA, there is no common understanding of what
the RBA is among the different organisations and individuals who adopt this
approach (see Nyamu-Musembi and Cornwell, 2004).1 Even among the United
Nations agencies, prior to the adoption of a common understanding docu-
ment in 2003 there was (and maybe still is) a divergence of views about what
the RBA essentially is and what its practical implications are (UNFPA 2004).

1 For example, Care International defines the RBA as supporting “poor and marginalized peo-
ple’s effort to take control of their own lives and fulfil their rights, responsibilities and aspira-
tions” (A. Jones 2005: 81). For other organisations, the RBA essentially means holding the state
accountable (Robinson 2005); to other organisations such as Action Aid, the RBA is largely
seen as a means of empowering people through participation. In fact, some development
practitioners use the rights based approach interchangeably with the human rights approach.
Eyben (2005) argues that the two are actually not the same in the sense that the human rights
approach is more focused on international legal pronouncements while the rights-based
approach is more flexible, encompassing general and broad human rights norms and a more
practice-oriented approach (see Nyamu-Musembi and Cornwell 2004: 13).