The Human Rights-Based Approach to Development: A Theory of Change

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Abstract

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The Human Rights-Based Approach to Development: A Theory of Change

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Human rights-based approaches to development (HRBAs) have emerged as a theory of change for development programming within the human development paradigm, which places significantly more focus on the lived realities of individuals and moves away from a development-as-growth model. I argue that HRBAs are better understood as a theory of change than a development paradigm because they influence the type of intervention implemented and are often used as a justification for why a program is likely to produce its intended consequences. Within this theory of change, HRBAs define power hierarchies and unequal power dynamics as the core problem prohibiting development. Therefore, work is done to adjust these structures in a way that redistributes political and economic power so that the institutions are more equitably accessible and provide more inclusive benefits across different groups. Therefore, HRBAs are best suited for development programs that address inequalities within a system or community where there has been uneven development, rather than inequalities across countries. The approach is based in the possibility of transforming power structures, rather than treating the negative symptoms of an underlying structural problem. HRBAs point toward the importance of advocating for structural change on the part of governments and the international system, rather than simply replacing the mechanisms and on-the-ground methods used to promote development.

Table of Contents

List of Acronyms

CEP	Community Empowerment Programs
GDP	Gross Domestic Product
HRBAs	Human Rights-Based Approaches to Development
HRE	Human Rights Education
IFIs	International Financial Institutions
MDGs	Millennium Development Goals
NGOs	Non-governmental Organizations
RBAs	Rights-based approaches to Development
SAPs	Structural Adjustment Programs
UN	United Nations
UNDP	United Nations Development Programme

Chapter 1: Introduction

The Millennium Villages Project, on the surface, fits neatly into the human development paradigm. Based in the Millennium Development Goals, the project's goals were to "cut extreme poverty, hunger, disease, gender inequality, environmental degradation, lack of access to safe water and sanitation."[1] Each of these goals are directly related to the lived experiences and wellbeing of individuals, rather than focusing on macro-level improvements such as an increase of GDP and national wealth. The project addressed development through an approach that emphasized the role of individuals and the transparency trend within development work.[2] Yet, while the program claimed to address issues of inequality and promote development in extremely poor rural villages across Africa, it quickly ran into problems regarding its measurability and ability to assess its effectiveness.[3] It became clear that despite the reports coming out of the project claiming success, that the impact evaluations were not able to address the "big questions in development," referring more to how development was implemented than what outcomes were present.[4]

Yet, the approach to development used within the Millennium Villages Project, while defining positive development outcomes through their impacts on individuals'

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[1] P. Sanchez et al., "The African Millennium Villages," *Proceedings of the National Academy of Sciences* 104, no. 43 (October 23, 2007): 16775.
[2] Michael A. Clemens and Gabriel Demombynes, "The New Transparency in Development Economics: Lessons from the Millennium Villages Controversy," *SSRN Electronic Journal*, 2013, 1, http://www.ssrn.com/abstract=2366970.
[3] Clemens and Demombynes, 2.
[4] Clemens and Demombynes, 12.

lives, still relied on an economic-centered and structuralist approach to development.[5] While attempting to operate within the human development paradigm, in which development has been reconceptualized to focus not only on economic improvements but improving the lived experiences and wellbeing of individuals, the Millennium Villages Project adjusts the development goals accordingly, but does not adjust the theory of change or the mechanisms involved. From this perspective, development would be the result of a "big push" of foreign aid targeting public-sector investments to stimulate economic growth through increased rural productivity in underdeveloped countries, even though development isn't solely defined in terms of economic outcomes within this paradigm.[6] The theory of change within the project attempted to promote development within the human development paradigm with a purely technocratic approach, and was ultimately unable to create the kind of development the project set forth to accomplish.

The relative failure of the Millennium Villages Project raises questions about which approaches to development can promote positive development outcomes within the human development paradigm, which places significantly more focus on the lived realities of individuals and moves away from a development-as-growth model. In previous paradigms, it was sufficient to measure development in terms of national GDP and highly aggregated economic terms. Yet, these approaches do not adequately address the micro-level implications included in the human development paradigm. This new

[5] Jeffrey D. Sachs, *The End of Poverty: Economic Possibilities For Our Time* (New York: The Penguin Press, 2005).
[6] Nina Munk, *The Idealist: Jeffrey Sachs and the Quest to End Poverty* (New York: Anchor Books, 2013), 31; Sanchez et al., "The African Millennium Villages," 16775.

paradigm, which shifted attention within development work away from macro-economic growth and toward improving the wellbeing of individuals from the bottom-up quickly became the new standard for development initiatives. However, there have been insufficient changes in the ways that development programs are set up and run. Development organizations and their programs have to adjust their approaches to reflect the new realities of what is expected in the new paradigm. The question, then, is what kind of theory of change can address both the economic and human development aspects of international development that are required within this new paradigm?

I argue that human rights-based approaches to development (HRBAs) fill this gap as a theory of change that provides a way to work within the human development paradigm and address both the micro- and macro-levels of development goals. Within the human development paradigm, HRBAs have emerged as a theory of change that suggest the importance of advocating for structural change on the part of governments and the international system, rather than simply replacing the mechanisms and on-the-ground methods used to promote development.[7] Here, advocacy refers to asking governments to provide services on an equitable basis, and to hold these governments accountable. The reframing of development-as-advocacy indicates a need for a different skillset and relationship between development organizations and national governments. By requiring development practitioners to have a different skillset, the use of HRBAs

[7] Maxine Molyneux and Sian Lazar, *Doing the Rights Thing: Rights-Based Development and Latin American NGOs* (London: ITDG Publishing, 2003), 6–7.

signal that a paradigm shift has occurred within development practice.[8] During this shift, development NGOs began to place emphasis on addressing root causes of poverty and systemic discrimination in addition to the traditional emphasis on outputs and outcomes.[9] The paradigmatic shift pushed development in the direction that human rights advocacy has taken in the post-war era. Rooted in international law, incorporating human rights into development work has strengthened the theory of change, given the programming a legal framework for accountability, and emphasized the an appropriation of the universality principle of human rights to apply to development as a way to reduce unequal development that builds inequalities into political and economic power structures. HRBAs, therefore, work to incorporate human rights, international law, and development programming into one coherent package that promotes positive development outcomes.

Human rights-based approaches to development have emerged as a theory of change for development programming within the human development paradigm. Though human rights and development are both quintessentially post-war initiatives, they did not intersect or overlap until much later in the 1990s and onward. The extended time lapse between establishing human rights and development separately and acknowledging the contributive power of incorporating rights within development work has led to inadequate theorizing of HRBAs throughout the literature.

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[8] Paul Nelson and Ellen Dorsey, "At the Nexus of Human Rights and Development: New Methods and Strategies of Global NGOs," *World Development* 31 (December 1, 2003): 2014.
[9] Hans Peter Schmitz, "A Human Rights-Based Approach (HRBA) in Practice: Evaluating NGO Development Efforts," *Polity* 44, no. 4 (2012): 534.

Some advocates for HRBAs often characterize these efforts as a “new paradigm” of development, even though their core goals and many of their strategies for change fit within the wider consensus of development professionals. Rather, I propose to understand HRBAs as a “theory of change” that can enhance the efforts of a much wider range of development programming by providing a way for development specialists to better understand the relationship between structural forces and their desired outcomes. As a theory of change, the approach influences the work done within development programming without changing the overall goals and aspirations of the outcomes.

Ultimately, I argue that HRBAs are better understood as a theory of change than a development paradigm because they influence the type of intervention implemented and are often used as a justification for why a program is likely to produce its intended consequences. Within this theory of change, HRBAs define power hierarchies and unequal power dynamics as the core problem prohibiting development. Therefore, work is done to adjust these structures in a way that redistributes political and economic power so institutions are more equitably accessible and provide more inclusive benefits across different groups. With this in mind, HRBAs are best suited for development programs that address inequalities within a system or community where there has been uneven development, rather than inequalities across countries. The approach is based in the possibility of transforming power structures, rather than treating the negative symptoms of an underlying structural problem. This approach, then, necessitates that the systems and institutions in place are working, even if they are only working to improve conditions for some people. HRBAs are a valid theory of change within the human development

paradigm because it emphasizes the need to address internal equality among citizens, building community capacity, and empowering citizens to engage in political and economic processes. As a theory of change, HRBAs define a pathway to development that emphasizes the role of human rights advocacy and rights-consistent programming.

Within the HRBA theory of change, the role of human rights its twofold: they are used as the *motivation* for inclusive development and provide a framework for enforcement and accountability that allow development projects to create sustainable change. Though similar to and reliant on many of the same conditions as previous approaches to development, HRBAs uniquely synthesize concepts from approaches that are typically understood as in direct opposition with each other. For example, HRBAs emphasize that the structuralist approach, in its top-down implementation and reliance on the state to provide essential public goods, can be co-present with a participatory or capabilities approach in which individuals and communities are able to articulate their development needs and emphasize the need for people to have the ability to effectively access economic and political structures.

HRBAs are, paradoxically, both top-down and bottom-up in their efforts towards development. The advantages of a top-down approach are discussed in structuralist terms, in which the state plays an integral role in development. Yet, as HRBAs address questions of power structures and distribution, it is insufficient to only pursue development in this direction. HRBAs also us a bottom-up and indirect approach to create sustainable change. Sustainable change in this context largely refers to the ability of the development outcomes to persist after a program has ended and the development

organization is no longer engaged in the area. A bottom-up approach, then, is integral to HRBAs because it engages active citizenship to encourage policy shifts within government institutions, creates change in the lived realities of marginalized communities, and gives voice to those who have previously been excluded from political processes. HRBAs work to change the relationship between the state and its citizens in ways that give communities a larger say in their own wellbeing, but also places responsibility on the state to provide public goods and promote development.

In addition to this synthesis across approaches that are typically held in direct opposition with each other, HRBAs also have the backing of internationally held legal norms through the invocation of established human rights law. The incorporation of human rights advocacy and the international law associated with it, strengthens development work in unprecedented ways. Human rights, within a development context, expands the role for NGOs and civil society, places emphasis on inclusivity and universality of development programming, provides a legal framework for holding states accountable as duty-bearers, and cultivates a public conversation of human rights in a non-legal context through the lens of ordinary virtues. Without the use of human rights embedded in development programs' theory of change, little attention is paid to these areas.

Though there are many different approaches to addressing development, it is helpful to understand who supports HRBAs in the international system. NGOs and international institutions are among the biggest supporters of HRBAs. NGO are uniquely situated so that they are outside of the rights-holder and duty-bearer relationship provided

by the human rights framework. As a third party, NGOs have been able to adopt this approach to development more emphatically than state governments. State governments, as they are part of the relationship HRBAs seek to alter, are less likely to engage with the approach because it necessitates delegating some of their power to other actors, such as communities and individual citizens. Not only do NGOs and international institutions support the approach, but it has also "become the new and dominant norm among most development organizations" in the new millennium.[10] This shift towards adopting a development approach centered around human rights is seen with the newfound commitment to HRBAs by the United Nations and other international organizations such as Oxfam International, at the turn of the century.

The NGOs involved in the HRBA community straddle both advocacy and development programming. This means that the normative, or "what should be", aspects of development and human rights are paramount to fulfilling the advocacy aspects of their organizational goals, while applying that to their on-the-ground programming as well. HRBAs create a normative allure for NGOs and international institutions because the approach implies that improvement in development, both in terms of economic growth and human welfare, and human rights are intrinsically connected and promote each other. This essentially broadens the organizational purpose and goals to encompass human rights and development promotion, advocacy, and programming at the same time. However, there is no one defined set of practices prescribed by HRBAs, so different organizations have implemented populist, campaign driven, legalist, or community-

[10] Schmitz, 524.

focused versions of the approach.[11] "Different NGOs have now developed their own 'brand' of HRBA, shaped by pre-existing understandings of the core development challenges and the unique organizational context of each agency."[12] Tostan and Oxfam International are two NGOs that employ HRBAs within their theory of change in different ways. Tostan uses human rights education (HRE) within its Community Empowerment Programs (CEP) to facilitate the discovery and rectification of rights-inconsistent traditions and practices at a community level.[13] Oxfam similarly engages with regional and local organizations to aid bottom-up development initiatives, but does this from a facilitator's role in which the organization mobilizes resources and provides support for rights-based development. Despite these implementation differences, the two organizations see successful development outcomes from this theory of change.

A rights-based and bottom-up approach to development based in local values and traditions is critical for lasting success out of the development projects because it exercises and builds-upon the agency that all people have, creating a sense of efficacy, or the belief that individuals within the community can create development changes in their own lives.[14] This is not specific to this one approach to development, but reflects a broader shift within development practices. By utilizing human rights as a basis for participation and community engagement, HRBA supporters emphasize that a key factor

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[11] Schmitz, 529.
[12] Schmitz, 540.
[13] "Vision, Mission & History | Tostan International," accessed December 26, 2019, https://www.tostan.org/about-us/mission-history/; Ben Cislaghi, *Human Rights and Community-Led Development: Lessons from Tostan*, Studies in Global Justice and Human Rights (Edinburgh: Edinburgh University Press, 2018).
[14] Ben Cislaghi, Diane Gillepsie, and Gerry Mackie, *Values Deliberation and Collective Action: Community Empowerment in Rural Senegal* (New York: Palgrave Macmillan, 2016), 7.

of the approach is its insistence on inclusive participation that incorporates those who are the most marginalized, whether it is politically, socially, or economically.[15] From this point of view, "HRBAs seek to frame poverty in the language of international human rights standards and transform passive recipients of aid into empowered rights-holders."[16] Implicit in the conceptualization of "empowered rights-holders" is not only that people have rights, but they also have the capacity to make rights claims to a responsive government.[17]

Another way to explain this approach to development, and the real-life implications of a the capacity to make rights claims, is to frame development in terms of a removal of unfreedoms, or the inability to act upon freedoms an individual may have. [18] "Empowerment in this context is understood as the awareness that one is a subject of rights with a capacity to *act on the world.*"[19] Therefore, proponents of HRBAs argue that the approach does more than pay lip service to human rights in development work. Rather, they emphasize the increased ability of individuals to advocate for themselves and see real and concrete improvements in their lives.

Moving forward, my goal is to explain how and why HRBAs are best understood as a theory of change to be used in development programming by offering an explanation of their origin and use. I first explain the origin of HRBAs as an approach to

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[15] Sam Hickey and Diana Mitlin, "Introduction," in *Rights-Based Approaches to Development: Exploring the Potential and Pitfalls*, ed. Sam Hickey and Diana Mitlin (Sterling, VA: Kumarian Press, 2009), 8.
[16] Schmitz, "A Human Rights-Based Approach (HRBA) in Practice," 525.
[17] Molyneux and Lazar, *Doing the Rights Thing*, 4.
[18] Amartya Sen, *Development As Freedom* (New York: Anchor Books, 1999), 3.
[19] Molyneux and Lazar, *Doing the Rights Thing*, 7.

development. This discussion is informed by literature from the human rights perspective and from development work. To explain the utility and potential limitations of this approach to development, it is important to understand the history of the two fields and their convergence in the recent past.

I then turn towards examining the human rights-based development programs of Tostan and Oxfam America. Within these case studies, I aim to explore the ways in which HRBAs are used as a theory of change. This is most apparent in the mission and vision statements of the organizations, as they each claim to contribute to positive development outcomes while respecting the rights and autonomy of those they wish to serve. Within each chapter, I describe the ways each organization uses HRBAs as the theory of change within their programming. Though, the successes are not without their limitations, and each organizational case study will highlight the type of programs the organization's theory of change is well suited for, as well as some that they would not see much progress.

Each of these case studies contributes to a conversation of how HRBAs constitute a theory of change on a larger scale, rather than a separate development framework which would change the development goals and meanings. However, HRBA-informed theories of change are only successful when governments, NGOs, and communities recognize the potential for a rights framework to further a development agenda. HRBAs constitute a specific theory of change that creates bottom-up and indirect development programs to create sustainable change. When used at the proper time in the development programming process, the explanatory power lies within the theory for change.

This theory of change can be used at any organizational level but is best suited towards closing the gaps created by marginalization and exclusion within a cohesive cultural context (development within a country or community group, rather than across different contexts). A broader implication of this conclusion is that development agencies and organizations should seriously consider utilizing HRBAs in development planning, regardless of their slow and difficult-to-measure outcomes. HRBAs are likely to take longer to see results than direct and aid-based development but are able to mitigate and avoid pitfalls such as imposing an unsustainable project or creating a cycle of dependency revolving around continual relief aid. HRBAs should be considered for wider-spread use throughout development, because when they are implemented properly, they have the potential to create structural and sustainable change. Though this is key to the development industry, HRBAs also create a culture of continual learning and reevaluation of values and traditions through a lens of human rights that allow the development process to continue long after the development programs themselves are over.

My aim here is to provide a more coherent way of theorizing HRBAs as a theory of change within development work and explain how, when, and why the approach is a viable option for development initiatives.

Chapter 2: Human Rights and Development: Pathways to Intersection

Human rights and international development are both quintessentially post-war enterprises, but their trajectories did not intersect or overlap until much later. This chapter works through the intellectual and conceptual histories of human rights and development since World War II to explain how intersecting goals, methods, and normative claims have created the space for HRBAs to present a valid approach to development. Both fields have seen immense paradigm shifts in the post-war period, creating changes regarding which actors are involved, the conditions necessary for success, and what success means. By working through these changes, it becomes clear that the post-war nature of human rights and international development are less important for the emergence of HRBAs and their potential for success than the paradigm shifts each enterprise has undergone that make them more people-centric and accessible to non-state actors.

HRBAs are a viable approach to development work only because the paradigm shifts within human rights and development have made it so the two now have overlapping motivations and overall goals. Human rights and international development now focus on the role of individuals and communities in terms of their empowered participation and how it leads to better human security, human wellbeing, and economic stability. However, this overlap is often missing from the literature, as scholars have largely maintained the lack of intersection seen in the post-war period when they emerged as subfields of international politics.

We now typically see human rights and international development as normatively good things for international politics, domestic governance, and the wellbeing of individuals and communities. Despite the value-laden judgment that human rights protections and development progress are both good things, they are often thought of as either unrelated or in parallel, to be addressed in the same contexts but to never intersect.[20] Human rights traditionally focus on the wellbeing of individuals, while classical development paradigms work toward the wellbeing of the nation-state.[21] A degree of separation between the human rights and development enterprises persists throughout theory and practice. Maintaining this separation, though, hinders the progress and possibilities available within both human rights and development work.

The histories of human rights and development, though, indicate that the separateness has dissipated in the 21st century, leading to a convergence of the emphasis, means, and ends of the two.[22] Amartya Sen, in *Development as Freedom,* provides of a conceptualization of development by framing it in terms of freedoms and unfreedoms and directly relating development outcomes with the lack of political and practical barriers to economic participation.[23] This convergence between the development and human rights

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[20] Robert Archer, "Linking Rights and Development: Some Critical Challenges," in *Rights-Based Approaches to Development: Exploring the Potential and Pitfalls,* ed. Sam Hickey and Diana Miltin (Sterling, VA: Kumarian Press, 2009), 25; Molyneux and Lazar, *Doing the Rights Thing*, 2; Lauchlan T. Munro, "The 'Human Rights-Based Approach to Programming': A Contradiction in Terms?," in *Rights-Based Approaches to Development: Exploring the Potential and Pitfalls*, ed. Sam Hickey and Diana Mitlin (Sterling, VA: Kumarian Press, 2009), 192, 198; Peter Uvin, *Human Rights and Development* (Bloomfield, CT: Kumarian Press, Inc., 2004), 1.

[21] William Easterly, *The Tyranny of Experts: Economists, Dictators, and The Forgotten Rights of the Poor* (New York, NY: Basic Books, 2013), 200; Sen, *Development As Freedom*, 14.

[22] Sen, *Development As Freedom*; Uvin, *Human Rights and Development*, 2.

[23] Sen, *Development As Freedom*.

frameworks sets up the possibility for HRBAs to emerge as a valid and uniquely qualified approach to development in the 21st century.

Landmark literature from Samuel Moyn, Amartya Sen, and Peter Uvin highlight the most recent paradigm shifts within human rights and development that make HRBAs possible in the 21st century. Moyn, in *The Last Utopia*, argues that the nation-state has been at the center of human rights until very recently.[24] While human rights themselves are concerned with the wellbeing of individuals, the main actors involve have historically been states. This exemplifies one of the more essential shifts that have occurred to create the space for HRBAs, as the approach is best employed by NGOs and civil society actors. Sen's characterization of the capabilities approach to development marks an integral shift in how development is pursued. Rather than relying on the neoliberal approaches based in technocratic solutions, Sen describes a paradigm shift that has emphasized the role of substantive freedoms in promoting economic development and reducing poverty experienced by individuals and communities.[25] Substantive freedoms, in the context of the capabilities approach to development, does not necessarily refer to the use of human rights. They rather refer to the "*processes* that allow freedom of actions and decisions, and the actual *opportunities* that people have, given their personal and social circumstances."[26] It becomes clear, then, that the capabilities approach is a logical precursor to HRBAs in terms of the emphasis the approach places on both institutions

[24] Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: Harvard University Press, 2010), 212.
[25] Sen, *Development As Freedom*, 4.
[26] Sen, 17.

and systems, as well as the lived experience of individuals. Uvin, in *Human Rights and Development* begins the work of examining the expanding role of human rights in development practice that is necessary for paving the pathway for HRBAs to emerge. It is at this point, where HRBAs exemplify a theory of change within development practice, that development is dependent on the characteristics of human rights to ensure positive outcomes.

Despite the intellectual convergence between the characteristics, identification of key actors, and overall goals of human rights and development work, the two are still very separated in practice. Organizations and agencies tasked with working in these areas are often separated by ideology and a lack of cohesive coalition building between rights and development organizations, which in turn inhibits meaningful collaboration. Yet these distinct spheres of action are connected in underlying ways. Human rights and development depend on many of the same conditions for action and sustainability, yet they are not always co-present even when all conditions are met.[27] Human rights are conceptualized as ethical and ideologically pure demands that are voiced to inspire legislation, in hopes of leading to institutional expansion and reform reflecting these demands.[28] Human rights advocacy organizations rely on international human rights law to inform the actions, claims, and relationships established and pursued through their advocacy frameworks and agendas. As such, the language of human rights has evolved

[27] Sustainability, in the context of human rights and development practice should be understood in the sense that current practices are not detracting the possibility of future practices to also be successful. This is not to be related to the interpretation of sustainability that directly and only reflects an ecological consideration.
[28] Amartya Sen, "Elements of a Theory of Human Rights," *Philosophy & Public Affairs* 32, no. 4 (2004): 319–20.

as "the central language of moral authority for the expression of international idealism and the management of world affairs."[29] On the other hand, international development organizations tend to traditionally view human rights as "empty rhetoric" diverting attention from more pressing issues and basic development needs.[30] Emphasis on moral absolutes may be misplaced in development practice because development and human rights organizations target fundamentally different core issues.

Rather than placing value in the language of human rights, development practitioners are concerned with tangible, real-world outcomes that directly affect people's daily lives, such as economic growth and satisfying people's basic needs. Human rights advocates, alternatively, put more emphasis on exposing abuses of power and seeking ways to remedy their consequential systemic injustices. Simultaneous discussion of human rights and international development forces development practitioners to acknowledge questions regarding "matters of power and politics, exclusion and discrimination, [and] structure and policy" that are inherent in development work, but generally discussed more often through a human rights framework.[31] HRBAs attempt to approach the issues of human rights and development simultaneously through cohesive programmatic action.

This chapter discusses the intellectual histories of human rights and development to highlight the space for convergence that has predominately presented as a missed

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[29] Antony Anghie, "Whose Utopia? Human Rights, Development, and the Third World," *Qui Parle* 22, no. 1 (2013): 63.
[30] Molyneux and Lazar, *Doing the Rights Thing*, 2.
[31] Uvin, *Human Rights and Development*, 3.

opportunity for the achievement of robust human rights protections and positive development outcomes. Positive development outcomes within the human development paradigm, as I understand them, are characterized by the prioritization of non-discrimination, enhancement of legal empowerment, and challenging traditional power structures and dynamics between rights-holders and duty-bearers. Each of these immediate development outcomes contribute to addressing issues of political, economic, and social inequality.

Through an account of the historical trends that have shifted the discourse of both human rights and development and the necessary conditions for their fulfillment, it becomes clear that both human rights and development are dependent on exceedingly similar conditions to achieve like-minded goals. This chapter aims to create the space in which it is appropriate to discuss human rights-based approaches to development as a legitimate framework for thinking about international development programming.

The Post-War Trajectory of Human Rights

Coming out of World War II, the human rights landscape was a direct response to state-sanctioned harm against individuals. Rather than relying on civil rights, human rights are universal and are applied in all contexts, regardless of individuals' citizenship status. At this point in human rights' intellectual history, there was very little overlap with development discourses, if any. Yet, as there were conceptual shifts within human rights altered definitions of which actors are involved and the necessary conditions for sustainable human rights protections. These altered definitions now overlap with the necessary actors and conditions for contemporary development.

Looking at the changing use of human rights language in the post-war period to now, it is clear that the uses of human rights, their implementation, and what they mean in the popular consciousness have changed in this time. Contextualizing these changes helps clarify which aspects of the human rights regime are also integral to increasing the likelihood of positive development outcomes. During the post-war period the relative success of human rights and its incorporation into the international discourse has allowed its language to become part of public conversation.[32] Before this time, the invocation of human rights was limited to those working in international policy-related fields and those who work within the state apparatus.

Human rights in their present form, are particularly political. The political nature of human rights, however, has been dynamic throughout the second half of the 20th and the 21st century. In different "eras" of human rights, characterized by a distinct goal of what human rights work aims to do, human rights have been politicized to varying degrees. The difference in politicization has much to do with who was considered a rights-holder, who was considered a duty-bearer, and what the duty-bearers owed to the rights-holders. Since the 1940s, there have been three distinct ways to conceptualize human rights. These three "eras" of human rights are separated as 1940s-70s, 1970s-90s, and the post-Cold War era. Each of these waves of human rights has contributed to the convergence between human rights and development work that has made HRBAs possible.

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[32] Sally Engle Merry, *Human Rights & Gender Violence: Translating International Law into Local Justice* (Chicago: University of Chicago Press, 2006), 3.

In the first era of human rights, from the 1940s-70s, they were state-centric. Human rights were often seen as a tool to be used by states, rather than a responsibility. According to Samuel Moyn, human rights in this period were synonymous with calls for self-determination and sovereignty and were considered "one tool among others in a rhetorical arsenal of self-determination campaigns."[33] Human rights, within this conceptualization, were used as means of establishing why a state should be able to govern itself, rather than being a subject of foreign rule. During this time, human rights were politicized within the international arena. They were employed in the anti-colonial sentiment that spurred the predominant wave of decolonization in the 1960s. In this time, there was little discussion over the role of individuals, let alone their rights. States' rights were disguised as human rights.

The human rights discourse successfully aided a wave of decolonization in the Global South during the 1960s, allowing the conversation to shift in the coming years. In the 1970s, human rights discourse shifted and began to call for a more individual-centered approach. President Carter's 1977 inauguration speech introduced human rights in a new way, making it a "publicly acknowledged buzzword" that signified a renewed emphasis on freedom.[34] Freedom, in this case, referred not only to a state's right to self-determination, but also the individuals within a First-World state. Amid Cold War tensions, however, human rights still posed a threat to some states in the international

[33] Moyn, *The Last Utopia: Human Rights in History*, 109.
[34] Moyn, 155.

arena. Neoconservatives, in particular, considered human rights to be "anticommunism by another name."[35]

Ordinary language adopted human rights outside of their legal context and allowed the concept to expand during this transitional period. While they were still considered a threat to some states, the focus shifted towards the wellbeing of the citizens of those states, rather than a means of state formation and consolidation. As the public adopted the language of human rights in new ways, they became characterized by individuals, or a third party on behalf of foreign nationals, making rights claims against the state.

During the Cold War, human rights were utilized for anti-communist language, and adopted a new ability: they were not only used to advocate for "a collective entitlement to self-determination", but they were used to advocate changing an established state from within so that they now take a positive approach to realizing certain social outcomes.[36] Under this new understanding, human rights rhetoric came to mean asking the state to not only refrain from rights violations, but providing some good or service to increase the likelihood of normative social good.

Due to their newfound ability to advocate for governments to change their behaviors and structures, human rights rhetoric also became "weaponized" during the Cold War. Rather than causing harm through direct violence, though, human rights discourse once again became a tool in an ever-growing arsenal that could be used in the

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[35] Moyn, 157.
[36] Moyn, 45; Uvin, *Human Rights and Development*, 14.

clash between the First and Second World. The United States and its allies used human rights discourse to focus on civil and political rights, while the USSR focused on economic, social and cultural (ESC) rights.[37] This distinction is important because both sides of the Cold War utilized the language of human rights to justify their actions. But the ability to use the language of human rights to further two distinctly different agenda does not in coincide with the universality and indivisibility principles of human rights, in which human rights are applicable in all circumstances and cannot be hierarchically ordered.

In the post-Cold War era, there has been yet another shift in how human rights language is used. Human rights discourse has moved toward addressing new global topics and issues such as anti-colonialism and anti-poverty. The anti-colonial interpretation of human rights echoes the use of human rights in the 1940s-70s, in which the framework was used to prioritize sovereignty and self-determination.[38] The anti-poverty approach to human rights, however, reflects the later conceptualization of human rights characterized by the 1970s-90s, during which time restructuring citizen-state relationships was prioritized. In some ways, in this third wave of conceptualizing human rights, the rhetoric took on characteristics from both previous stages.

These clear changes in how actors have used human rights language and frameworks illustrate how individuals, states, and non-state actors have been able to adopt human rights as tools to further their own agendas. Even though most individuals

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[37] Uvin, *Human Rights and Development*, 10, 17.
[38] Anghie, "Whose Utopia?," 69.

do not know the exact language written into international human rights law, there is a common understanding of what constitutes rights violations. Part of this discourse's allure to the general public is the relative universality of the human rights and moral language. The human rights framework provides a clear set of negotiation tools, legal guidelines, and bases of justice to be used by states in the international arena.[39] Aligned through the mechanisms of international law, the framework typically relies on the state as the sole carrier of legal personality. Recognition of legal personality, in turn, has allowed states to sign and ratify international treaties and declarations. Legal personality is significant in the context of international human rights law because almost all states have signed on to various international human rights treaties.[40] Once a state signs a treaty, the state is then obligated to promote and protect the agreed upon human rights both in domestic and foreign policy and action. Non-state actors, who do not have the same international legal personality recognition as states, cannot sign human rights legislation in the same way; non-state actors are not in a position to become a duty-bearer. However, these non-legal actors have been able to adopt the language of human rights without the obligation to become a rights guarantor.

The distinction between recognized legal personality and an informal ability to adopt human rights language outside of its official and legal context is further reflected in the fact that human rights are perceived differently by local communities and individuals and organizations trained in international human rights law: what constitutes human

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[39] Archer, "Linking Rights and Development: Some Critical Challenges," 27.
[40] Jack Donnelly, "Human Rights, Democracy, and Development," *Human Rights Quarterly* 21, no. 3 (August 1999): 612.

rights protections or violations in one case may not be discussed in the same ways in another.[41] Michael Ignatieff makes this distinction by highlighting the difference between "human rights" and the "ordinary virtues."[42] Ordinary virtues, according to Ignatieff, is not the same as "human rights talk." Ordinary virtues, rather, refer to the understanding of a shared moral duties people should perform for each other that is found in a community, commonly understood as a gift, rather than an obligation.[43] Even though there is a distinction between ordinary virtue and human rights, the terms used for human rights are often used to describe the ordinary virtues. For example, throughout the Medicare for All debates in the United States, many politicians are making the claim that universal healthcare is a human right.[44] However, Ignatieff would argue, the arguments in favor of universal health care, claiming that health care is a human right, is more along the lines of an ordinary virtue. This means that it would be better to understand that this virtue is not universal but rather relies on the populace's willingness to share this outcome with those within their same group- in this case, Americans. The language of human rights, therefore, has a dual meaning that is largely dependent on whether the individual or organization is referring to a moral or legal obligation to others.

Employing the language of human rights has historically been used to further different goals over time. They can be used to advocate for increased recognition of

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[41] Merry, *Human Rights & Gender Violence: Translating International Law into Local Justice*, 1.
[42] Michael Ignatieff, "Human Rights, Global Ethics, and the Ordinary Virtues," *Journal of International Law and International Relations*, no. 1 (2017): 1–9.
[43] Ignatieff, 7.
[44] "Democratic Debate Transcript: July 31, 2019," accessed September 23, 2019, https://www.nbcnews.com/politics/2020-election/democratic-debate-transcript-july-31-2019-n1038016.

freedoms, to alter the relationship between individuals and the state, and to make moral claims about what people and state governments should be able to do. The current era of human rights rhetoric is dependent on clearly defined roles of rights-holders and duty-bearers within the citizen and state relationship.

Yet, protecting, fulfilling, and promoting human rights requires a fundamental structural change in relationships between individuals, or communities, and the state.[45] The use of human rights discourse to create change in power dynamics has created a situation in which human rights depend on the very thing they intend to change: a hierarchical power relationship between citizens and the state. Human rights have, therefore, not only impacted relationships between individuals and the state, but have also changed relationship behaviors between individuals, NGOs, and the state at a systemic level.[46] These changing relationships are dependent on certain political and social contexts to lead to the best possible outcomes for all involved.

Themes emerge across contexts when examining the literature on human rights and the indicators that are used to measure the level of human rights protections throughout the world. As political situations change, human rights advocacy depends on organizations' and citizens' ability to adapt to these changes. Human rights advocacy organizations are continually reorienting themselves based on new government policies and statements. By the nature of rights, conditions for successful and sustainable human

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[45] Jennifer Chapman et al., "Rights-Based Development: The Challenge of Change and Power for Development NGOs," in *Rights-Based Approaches to Development: Exploring the Potential and Pitfalls*, ed. Sam Hickey and Diana Mitlin (Sterling, VA: Kumarian Press, 2009), 167.
[46] Molyneux and Lazar, *Doing the Rights Thing*, 110.

rights protections focus on increasing state capacity, strengthening institutions, empathetic compatibility between elites and human rights principles, and good governance.

Human rights are fundamentally dependent on a state's capacity to provide protections to its citizens through strong institutions. State capacity, as a condition for human rights protections, highlights one mechanism by which citizens can make rights-based claims, and the state responds.[47] In the absence of a responsive state, human rights claims fall on deaf ears and do not create change within governmental structures. In this sense, a government needs to acknowledge the value and potential for human rights if citizens are going to be successful in advocating for change with this rhetoric.

Human rights cannot be sustainably protected without the cooperation of all parties involved, including government, civil society, international organizations, and individuals. Human rights activists are asking not only for individuals to be able to make rights claims, but also for the individuals to have the freedom to use the right and the opportunity when they choose.[48] Paying lip service to human rights is insufficient for structural or sustainable change to occur. Rights protections need to be robust enough for individuals to utilize those rights, whether it refers to a lack of negative consequences from the state or a lack of barriers to the opportunities involved. This is why, then, failed

[47] John Gledhill, "The Rights of the Rich versus the Rights of the Poor," in *Rights-Based Approaches to Development: Exploring the Potential and Pitfalls*, ed. Sam Hickey and Diana Mitlin (Sterling, VA: Kumarian Press, 2009), 33.
[48] Sen, "Elements of a Theory of Human Rights," 328.

states cannot have sustainable rights protections or fulfillment.[49] In the absence of a strong and responsive state, rights claims are unlikely to be fulfilled through the state apparatus.

Yet, human rights protections are not guaranteed only because the state is responsive to rights claims. Emotions, most notably empathy and sympathy, are an important aspect to consider when questioning why some states have better human rights protections than others. Universalist and relativist theories of human rights often disregard emotion, altruism, and human nature but these aspects must be considered as both institutions and emotions are key aspects of decision making.[50] Ultimately, it comes down to whether those who are in power believe human rights are a credible basis for a claim. This is more likely when human rights rhetoric has made an emotional appeal to the leaders, shifting the narrative away from an attack against the state and its actions to a question of what people owe each other.

According to the French philosopher, Simone Weil, love and attention are both necessary for successful interpersonal and interdependent relationships.[51] In this view, morality and attitude become key components to guaranteeing rights protections. Yet, these are not the only emotional aspects that play a role in rights protections. According to von Harbou, research indicates that empathetic capacity is a function of human

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[49] Oche Onazi, *Human Rights from Community: A Rights-Based Approach to Development* (Edinburgh: Edinburgh University Press, 2013), 5.
[50] Frederik von Harbou, "A Remedy Called Empathy: The Neglected Element of Human Rights Theory," *ARSP: Archiv Für Rechts- Und Sozialphilosophie / Archives for Philosophy of Law and Social Philosophy* 99, no. 2 (2013): 133, 136.
[51] Onazi, *Human Rights from Community: A Rights-Based Approach to Development*, 64.

psychological development, and should therefore not be subjected to cultural relativist arguments, as it is not contingent on culture or tradition in the ways that "morals" are.[52] In the context of human rights law, however, there is a fluctuation paradox, as emotions are likely to shift with time and changing circumstances, while the written law is not. What is key, then, is that the original endorsement of human rights depends on emotional capacity and emotion-informed decisions, but also subsequent protections depend on the sustained emotional state as well.

The empathy political elites have for those who make human rights claims is also insufficient on its own for sweeping human rights protections. The policies at the root of human rights protections are also dependent on good governance. Good governance is needed in order to fulfill rights claims, as it indicates that policies and state actions are inclusive and reach beyond urban limits to those who live in rural areas. The ability to have rule of law outside of urban centers is important because the state needs to be able to provide public goods within all areas of its territory. Public goods are basic services needed to ensure dignity and respect.[53] As good governance is important for ensuring the widespread availability of public goods, it is therefore a key aspect of protecting human rights through with an inclusive approach mirroring the universality principle of human rights.

Therefore, the main conditions necessary for human rights protections identified here are (1) large state capacity, (2) strong institutions, (3) political elites with a moral

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[52] von Harbou, "A Remedy Called Empathy."
[53] Onazi, *Human Rights from Community: A Rights-Based Approach to Development*, 1–2.

standpoint agreeing with the tenants of human rights, and (4) good governance. Though the literature identifies these four conditions needed for human rights protections, they may prove to be immeasurable, and are therefore complemented by human rights indicators. The nature of indicators in human rights work is highly specialized, and dependent on the specific right in question. Yet, there are four main categories that classify human rights indicators: non-discrimination and equality, participation, accountability, and effective remedies.[54] These indicator categories largely echo the academic literature's understanding of necessary conditions for human rights protections and enforcement but approaches it from a different perspective. The only condition I have outlined above that is not included in human rights indicators is the role of emotion and empathy. Indicators bridge the gap between theory and practice by providing concrete and practical tools for measuring human rights and project implementation.

Development and its Paradigmatic Shifts

Just as human rights experienced significant shifts in methods, tactics, and goals, international development practices and strategy has also changed over time. Regardless of the approach to development and its implied theory of change, classical development has consistently been defined by rapid economic growth.[55] Whether conceptualized by modernization, dependency, or structural adjustment approaches to development, there has been an emphasis on the economic aspects of international development throughout

[54] United Nations Human Rights Office of the High Commissioner, "Human Rights Indicators: A Guide to Measurement and Implementation" (United Nations, 2012), 41.
[55] John Rapley, *Understanding Development: Theory and Practice in the Third World* (New York: Routledge, 2003), 157.

much of the 20th century. It has not been until much more recently, with the paradigm shift toward the capabilities approach and human development, that international development has addressed human development and the wellbeing of individuals.

In this vein of economic-based definitions of development, there have been different approaches that highlight varying causal mechanisms for change. For some, such as Robert Bates who argues that "economic development occurs when persons form capital and invest, making present sacrifices in order to reap future gains," development is seen as a way of ensuring future economic stability.[56] This ideological understanding of development has been present in many of the approaches to international development that have gained traction in the international arena.

Some of the differences between approaches to international development are more difficult to differentiate from each other, because, unlike human rights, the practice is not governed by international legal texts.[57] Human rights is governed by international treaties and covenants negotiated in bilateral and multilateral agreements, often through international institutions such as the United Nations (UN). Development, however, does not have the same kind of codified playbook. There is no set of international legal rules and norms that dictate appropriate and lawful actions for international development. This means that development practices have more flexibility depending on the actors involved and adopts an ad-hoc approach in different settings. Yet, overall, development is typically interpreted as a combination of altruism and technical knowledge.[58] As

[56] Robert Bates, *Prosperity and Violence* (New York: W.W. Norton & Company, Inc., 2010), 84.
[57] Uvin, *Human Rights and Development*, 33.
[58] Uvin, 48.

technical knowledge has changed, so have approaches to international development. But the underlying idea that poor countries and communities need to be raised up out of poverty has been consistent, which is a rather empathetic and altruistic idea.

To emphasize the possibility for convergence between human rights and development I will briefly discuss some of the major approaches to development that have been used. Each of these approaches was specific to the political context of the time that it was employed by international institutions like the UN and the World Bank. As it became clear that the approach did not foster development, mostly in terms of economic growth, it was replaced with another theory that came up with a new reason that states develop. By outlining modernization theory, dependency theory, structural adjustment programs, and the turn to human development, I emphasize the ways in which changes in development theory create the space for human rights and development to be considered within the same theories and projects.

Modernization theory was one of the first theories of development to emerge during the Cold-War era. The main argument of this development paradigm is that less developed states need to go through the same developmental process that more developed states have already done.[59] As a theory, this approach makes sense because developed countries have forged a pathway to development that can be followed as a model for other states. Within modernization theory, an underdeveloped state would be able to make great strides towards development by following the historical pattern of other countries. However, a modernization approach doesn't take into account that the Cold-

[59] Rapley, *Understanding Development: Theory and Practice in the Third World*, 25.

War created a new geopolitical climate that developing states had not previously encountered.[60] Due to the changing geopolitical climate, modernization theory has largely been invalidated, as it is near impossible for currently developing states to follow the trajectory of those who developed in other time periods, such as the industrial revolution. For example, Kenneth Pomeranz argues that Britain had a longer span of time to establish strong institutions and solve resource constraints than African or Latin American countries have in the development process today.[61] It is not entirely clear if or how a country going through the modernization process now would be able to take advantage of the same geopolitical context that much of Western Europe encountered during their modernization processes. In a highly globalized world, entering the global market for the first time as a competitive player is intrinsically different than it has been in the past. Entering the global market as a competitive player now is challenging, but not impossible. Simply put, the exact pathway created by states that developed before the Cold War is no longer valid and will not lead to the same outcomes.

As modernization theory waned from its place of predominance on the international stage, dependency theory emerged as a new way to approach development. Dependency theory ultimately claims that development initiatives have been negatively impacted by interaction and relationships between developing and developed countries.[62] A critique of dependency theory as an approach to development explains development as

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[60] Bates, *Prosperity and Violence*, 65.
[61] Kenneth Pomeranz, "Political Economy and Ecology on the Eve of Industrialization: Europe, China, and the Global Conjuncture," *The American Historical Review* 107, no. 2 (2002): 442.
[62] Rapley, *Understanding Development: Theory and Practice in the Third World*, 26.

a zero-sum game, in which there will always be underdeveloped countries, and that it is impossible for them to break the barriers of this label. In Marxist terms, dependency theory argues that periphery states can and should be able to become semi-periphery or even core states through the development process. This may serve as a frame for understanding why certain countries have not developed in the same ways as the West during the Industrial Revolution, because there are other countries exploiting them, blocking development. Thus, dependency theory provides a bleak view of the possibility of states to develop in the 21st century.

Structural adjustment programs (SAPs) also emerged as an alternative pathway to development. SAPs are typically proposed by international financial institutions (IFIs), and the argument is generally to have less government control of the markets and allow free markets to establish who gains and who loses in the international capitalist system. The goal of SAPs is to maintain levels of economic growth and to adjust repayment so schedules mirror a state's ability to pay.[63] Such adjustments often require privatization, deregulation, or trade liberalization in the recipient states.[64] The essential idea behind structural adjustment clauses is that these institutional changes would promote the proper use of funding so that it gets to the right places for the right things. Despite its popularity, the structural adjustment prescription from the IFIs has not proved to be successful. Rather than leading to direct economic growth, the loans given under SAPs

[63] William Easterly, "What Did Structural Adjustment Adjust? The Association of Policies and Growth with Repeated IMF and World Bank Adjustment Loans," *Journal of Development Economics* 76, no. 1 (2005): 2.
[64] Sarah Babb, "The IMF in Sociologial Perspective: A Tale of Organizational Slippage," *Studies in Comparative International Development* 38, no. 2 (2003): 14.

led to "limited and uneven policy improvement" across recipient countries.[65] There is little evidence that SAPs have been able to promote economic growth, because if they had there would be little reason for states to need multiple loans or to default on the loans given by IFIs. It seems as if SAPs should be beneficial and foster development because these programs asks states to change their institutions to become more like the institutions of developed countries. However, the degree of success for these programs is unclear.

Through each development approach thus far, common themes have emerged. Underdeveloped countries can see economic growth and development when they are given to developed markets without the obligation to reciprocate.[66] Whether in terms of modernization, in which development is an outcome of an entirely internal process, or SAPs, in which governments do not have to pay back the money loans until they have potentially seen economic growth, successful development occurs when underdeveloped countries are not required to contribute to the system during the early phases of development. Yet, this only looks at one aspect of development: economics. Economic growth alone is insufficient to eradicate poverty and improve the lives of those living in the developing country. High growth rates do not necessarily correspond with living standard improvements, but rather depend on a highly technocratic approach to development.[67] It is possible, and evident in many oil producing countries, that a country

[65] Easterly, "What Did Structural Adjustment Adjust?," 3.
[66] Rapley, *Understanding Development: Theory and Practice in the Third World*, 223.
[67] Irene Kahn, *The Unheard Truth: Poverty and Human Rights* (New York, NY: W. W. Norton & Company, 2009), 5.

can see economic growth in terms of an increasing GDP without this growth penetrating different areas of society. Enclave economies, or "economic islands," in which growth is restricted to one geographical area or economic sector, are often a result of this process.[68] Yet, this is not considered evident of true development.

Development cannot solely focus on increasing GDP, but also needs to consider the political and micro-level aspects of development. Political development was discussed in the 1960s development literature, since becoming known as good governance and strong institutions, which is also considered to be a necessary condition for macro-level economic development. On the other hand, since the 1990s, human development emerged as a new developmental paradigm. This shift is essential for the emergence of HRBAs because it changes the focus of development away from solely macro-economic factors and draws attention to the equitable distribution of development outcomes across socioeconomic strata.

The 2000 Human Development Report focused on the role of human rights and human development in the international arena. According to the UNDP, human rights and human development are "both about securing basic freedoms."[69] At this point, it is already clear that there is a broad conceptual link between human rights and development work. Human development, while acknowledging the role of human rights in the process, still places focus on development work as a way to create rights protections.

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[68] Rapley, *Understanding Development: Theory and Practice in the Third World*, 50.
[69] United Nations Development Programme, *Human Development Report 2000: Human Rights and Human Development* (New York: Oxford University Press, 2000), 2, http://hdr.undp.org/sites/default/files/reports/261/hdr_2000_en.pdf.

Human development "directs attention to the socio-economic context in which rights can be realized – or threatened."[70] Conversely, HRBAs use rights as a mechanism to promote development. While human development, in itself, is an important step in which it became widely recognized that human rights and development could and should coexist, it does not advocate for the same outcomes as HRBAs. Broadly speaking, human development focuses on "enriching the lives and freedoms of ordinary people."[71] Without this emphasis on the individual and lived experiences of people, HRBAs would have been hard-pressed to make the conceptual link between the individuality of human rights and the communality of development.

This shift toward a capabilities approach and human development comes out of a critique of the classic development paradigms that depend on a development-as-growth model. What seems like conventional wisdom in the contemporary period was novel during this paradigmatic shift, especially regarding the incongruence between economic growth and human development. Increased GDP does not necessarily lead to an increased quality of life in non-economic sectors, such as health and education.[72] Rather, development in this paradigm can be considered through a development-as-advocacy model, recognizing that development at the micro-level depends on macro-level politics and economics, but can create change from the bottom-up. This realization is core to the criticism of the traditional development-as-growth that led to the emergence of the

[70] United Nations Development Programme, 2.
[71] United Nations Development Programme, 19.
[72] Martha C. Nussbaum, *Creating Capabilities: The Human Development Approach* (Cambridge, MA: Harvard University Press, 2011), 47.

capabilities approach to development. The capabilities approach and human development work to incorporate ideas of development that are outside of economic and monetary terms, look at equality and distribution of goods within the state, and disaggregate different parts of what contribute to human development so that they are not over-aggregated into a single measurement.[73]

These conceptual changes are essential for the emergence of HRBAs because traditional development-as-growth models do not address issues of inequality and marginalization, which are among the most fundamental questions approached by HRBAs. The capabilities approach leaves behind the idea that development can be described and measured solely by economic growth, and emphasizes the equally crucial social and political components of development.[74] It is important to note, however, that it is not that people working toward international development did not care about the wellbeing of individuals before this shift. It does become apparent, however, that GDP was considered a valuable measurement for people's economic wellbeing in the absence of other measurements such as longevity and years of schooling. This paradigmatic shift entailed a change in the type of economic situation considered for defining development. Rather than looking at GDP and the economic wellbeing of the nation, the new conceptualization focuses more on the average household incomes, which is arguably a better indicator of the lived realities of people within the state.[75]

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[73] Nussbaum, 48.
[74] Sen, *Development As Freedom*, xii.
[75] Nussbaum, *Creating Capabilities*, 48.

This newfound emphasis on the individual and community aspects of development has penetrated the policies of some of the most unlikely countries to adopt an individualist approach to development. The World Bank identifies that even some countries with a history of "developmental dictatorships," such as China have begun to acknowledge the need for a more inclusive and social approach to development for sustainable economic growth.[76] In developmental dictatorships, it is possible that the development progress seen through the use of the Millennium Development Goals (MDGs) can only be attributed to "low-hanging fruit," and goals that were easy to achieve without true structural change.[77] Development done within the human development paradigm and the MDG approach do not necessarily mean that HRBAs are employed as a theory of change because they may only pay lip service to the underlying human rights implications. With countries like China, who are typically not on the same page as Western and European countries regarding human rights violations being on board with the necessary relationship between human rights and international development, it is clear that there is a mutual understanding that the two fields now need each other to be successful in the globalized world, even if development programs only pay lip service to human rights.

While economic and political development are crucial to a functioning state in the globalized era, within the human development paradigm, development initiatives must

[76] OECD, "Perspectives on Global Development 2019: Rethinking Development Strategies" (Paris: OECD Publishing, 2018), 2.
[77] Paola Salas Paredes, "The Intended and Unintended Side Effects of the Millennium Development Goals," n.d., 526.

also go further to incorporate an understanding that individuals and communities, not only states, are now considered active players in the international system, and therefore should benefit from international development programs. While this emphasis on individual and community wellbeing is at the heart of human development, it is not the only component of HRBAs. Through the human development paradigm, however, HRBAs have been able to emerge as a theory of change because the approach works to address structural issues that prohibit expansion of wellbeing through a human rights lens. With an overall development focus moving away from technocratic approaches with a new emphasis on accountability measures, there have been a few pathways that development organizations and programs have been able to use in the 21st century. This shift towards recognizing the need for micro-level growth in tandem with macro-level growth has forged a new pathway for development practices such as HRBAs.

Despite the shift away from state-level to individual-level wellbeing, classic development paradigms and the human development paradigm have many of the same preconditions for creating positive development outcomes. Even though there are different approaches to economic development, each one relies on many of the same in-country conditions for successful outcomes. These conditions include state capacity for growth, good governance, economic and political competition, and government accountability. These four aspects, while they may be similar to the conditions necessary for human rights protections, are used to further different goals when referring to international economic and human development.

State capacity, as explained in the context of human rights, emphasizes the state's ability to provide protection for its citizens through strong and codified institutions. In the development context, however, state capacity also includes the state's ability organize the governance structure. According to Robert Bates, sovereignty and state capacity are contingent on control over both state policy and public finances.[78] International development not only depends on having good economic standing within a country, but also good policies enacted by the state to ensure that the effects of growth are felt throughout the country and that there is no groups of people systematically marginalized from reaping the benefits.

Therefore, a separation between governance and the control of public funding could lead to issues regarding distribution equity and the use of funds. Both financial institutions and the state itself need organized structures based on governance in a way at can "coordinate relationships [and ensure] that the conduct of one unit of the team enhances, rather than impedes, the performance of others."[79] State capacity in itself, does not refer to what the state does with this authority and organization, but rather that there is a distinct possibility for mobilization and state allocation of resources and funds in whatever way political elites see fit. However, Bates makes it explicitly clear that while organization and state capacity are necessary for economic development, it is not sufficient on its own.[80] While state capacity for structured organization and strong

[78] Bates, *Prosperity and Violence*, 54.
[79] Bates, 7, 9.
[80] Bates, 84.

institutions are important for realizing international development, a state is unlikely to see positive outcomes without the presence of other necessary conditions.

A second necessary condition for economic and human development is good governance. Whereas state capacity does not concern itself with the normative aspects of what is done with this organizational power, good governance puts a fine point on what state capacity should be used for. Good governance fills the motivational gap seen when declaring state capacity as a necessary condition for development. The normative approach to good governance should not be confused for a Western interpretation of what constitutes state institutions. Order and structure are not necessarily dependent on the presence and robustness of formalized Western institutions, such as a court and a legislature, but can be seen in other forms in varying cultural contexts.[81] The main point here, by calling for good governance as a necessary condition for international development, is that government policies should be inclusive and allow all citizens the opportunity to benefit, rather that creating exclusionary political barriers.

According to Acemoglu and Robinson, good governance and good institutions are centralized, pluralistic and inclusive while bad institutions are extractive.[82] Good governance and inclusive institutions, then, determine how states and political elites will use and (re)distribute resources. Extractive institutions and bad governance, on the other hand, illustrate a clear pathway to "cementing the power of those who benefit from the extraction," often leaving the majority behind by not allowing them to benefit from the

[81] Bates, 28.
[82] Acemoglu and Robinson, 74, 81.

institutions themselves.[83] One of the pitfalls of receiving development aid and foreign assistance in the form of providing goods and services, especially in the absence of good governance and inclusive policies, is that it allows governments to divert their own money elsewhere, rather than taking internal state responsibility and accountability for development initiatives.[84] Yet again, it is clear that good governance is a necessary but insufficient condition for economic and human development.

While state capacity and good governance are essential for seeing positive development outcomes, political and economic competition are also important in the development process. Political and economic competition may best be understood as a subset of the condition of good governance. The theory of change relying on competition explains that economic development is more likely when there is a real possibility of elites losing their power. Bates argues that both political and economic competition are necessary for development.[85] Competition is important in the context of development because it shapes the way political power and economic resources are utilized. In the absence of competition, economic and political policies would be able to consistently and systematically advantage some groups over others.

If political elites abuse their power to create extractive political institutions, it can lead to the creation of extractive economic institutions which in turn reinforces that the distribution of power and wealth is skewed towards those who create the rules.[86] As a

[83] Acemoglu and Robinson, 372.
[84] Bates, *Prosperity and Violence*, 63.
[85] Bates, 92.
[86] Acemoglu and Robinson, *Why Nations Fail*, 401.

concrete condition for effective international development, the presence of political and economic competition prevents this kind of privileging of those who are well within the margins of society. Competition, in itself, creates a landscape in which there is a possibility for change and a possibility for those who are marginalized to have voice in political and economic systems, later allowing them to benefit from development.

None of these conditions ensure positive development outcomes in the absence of a relationship between the state and its citizens predicated on the citizen's ability to hold the state accountable for their actions. Accountability, then, is one way to ensure competition because it forces those in positions of power to not only acknowledge, but work towards fulfilling, the wants and needs of the powerless. Government accountability is necessary for development because the other option is political predation, which is perpetuated through the act of biased and unequitable resource distribution.[87] Extractive, exclusive, and biased political and economic institutions will inhibit economic growth and development. Competition provides a path away from this trajectory by insisting on removing the possibility for permanent minorities to be marginalized through predatory politics.

Beyond adjusting accountability to reflect the positions of those who are not among the politically elite, the type of accountability that can drive development also looks beyond geographic separation between populations. This is to say that the government must be inclusive, representative of, and accountable to the entire country, not just the urbanized areas. Without this kind of inclusive and wide-spread

[87] Bates, *Prosperity and Violence*, 95.

accountability and rule of law, there is space for alternative groups to control politics and resources.[88] This creates a problem for development because internal conflict and disputes over the power to govern reduces state capacity and the power of state institutions. Government accountability is a key condition for the success of development because it puts a focus on the ways in which development outcomes should positively impact the well-being of all individuals within the state, not just some.

Beyond these necessary conditions, development is also measured as improvement in a set of areas that impact both people and state-level actions. The World Bank's development indicators are separated into six distinct themes: poverty and shared prosperity, people, environment, economy, states and markets, and global links.[89] Each of these themes have multi-level impacts, including the fact that interaction between the individual, regional, state, and international levels must be considered when referencing the potential, capacity, and success or failure of development projects. Development, then, is highly dependent on state capacity; good, strong, and inclusive institutions; and improvements in areas that directly relate to both the state itself, as well as its citizens.

Intersection: Creating the Space for Human Rights-Based Approaches to Development

These twin histories of human rights and international development, as well as the conditions that are necessary for each, help us to understand the context in which HRBAs have been able to emerge. There appears to be a degree of separation between human

[88] Acemoglu and Robinson, *Why Nations Fail*, 382.
[89] World Bank, "2017 World Development Indicators" (Washington, DC: World Bank, 2017), 1.

rights and development in theory, but not in the goals they aim to achieve or the conditions on which they depend. For the most part, as human rights and development are dependent on much of the same conditions for successful implementation, they are likely to be found in the same contexts.

HRBAs are highly dependent on the legal and normative mechanisms for enforcement within human rights as a way to promote development. The approach is only possible because it fits into the current human development paradigm and advocates for restructuring balances of power between different groups of actors, such as the state and its citizens. Ultimately, the transitions that human rights and international development have gone through in the latter half of the 20th century and into the 21st have created overlaps and intersections between human rights advocacy and international development practices in terms of the goals, key actors, and necessary conditions for each.

Just as paradigm and definitional shifts have created the space for HRBAs to emerge, this convergence may be fleeting as more shifts occur. It is possible that the two fields will continue to transform, and that human rights and development will not be this close together in the future. But for now, by placing emphasis on their shared trajectories, goals, and necessary conditions, it is possible to approach development work through a framework of human rights advocacy and education. HRBAs are an appropriate way to utilize the convergence between the two fields in order to use the other to further their own goals and share resources. Without this convergence, there

would not have been a need for HRBAs or the space for them to emerge as a viable approach to development.

Chapter 3: Human Rights-Based Approaches to Development: A Synthetic Approach to Development in the Human Development Paradigm

Human rights-based approaches to development (HRBAs) highlight a pathway to development in which international human rights and development are explicitly linked by dependence on similar necessary conditions to see positive outcomes. HRBAs use human rights as a means to an end, while recognizing the value of human rights in their own merit. Within the framework of HRBAs, rights and development are understood to be inherently connected in the process of social change so that they are different but inseparable.[90] One cannot exist without the other in this context, but they should not be conflated or conceptualized as interchangeable. Human rights and international development are inherently connected by their overlapping mandates, motivations, and methods. As a result of the paradigm shifts within both human rights and development practices in the time since their post-war conceptualization, the two have come to rely on micro-level impacts, rather than a specific focus on the state, a reliance on NGOs and civil society actors, and mutually held preconditions for success like an increase in state capacity and good governance. The implied causal relationship between human rights and development, as defined through HRBAs, is cyclical in the sense that human rights and development are used to reinforce each other once human rights create an entry point to the development process.

HRBAs depend on renegotiating power dynamics and relationships between individuals, NGOs and civil society, and the state. This approach to development,

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[90] Uvin, *Human Rights and Development*, 122.

though, emphasizes redistribution of power, which is not enticing for many states to tackle of their own accord. Throughout this chapter, I argue that a thicker definition of HRBAs emphasizes the structural changes the approach advocates for and acknowledges that NGOs are uniquely situated to employ HRBAs as a theory of change. This expansion of the role of NGOs in development is not limited to the effects HRBAs have on power hierarchies. NGOs and civil society, more broadly, are better situated to employ HRBAs in a bottom-up manner and hold states accountable for ensuring top-down development initiatives, which allows the approach to incorporate more of the lessons learned from its logical precursors in development work, such as the good governance, participatory and capabilities approaches.

HRBAs are not intended to replace the service delivery efforts that are typical of development and humanitarian work. Within HRBAs, the role of human rights is to provide a motivation for the methods attempted and implemented within development initiatives. Therefore, HRBAs should be considered in conjunction with traditional service delivery methods of development because fulfilling rights, traditional development, and development based in rights-consistent practices depend on good governance and order.[91] This view of HRBAs leads to a professional understanding of the relationship between rights and development that they are co-dependent and cannot exist without the other.

This chapter first provides a basic definition of HRBAs, which I argue is not full enough to capture the link between human rights and development more than using

[91] Chapman et al., "Rights-Based Development," 180.

human rights as a method to achieve development. I then proceed to explain the convergence between human rights and development work that has been occurring since the 1990s, in terms of how it helps explain how and why HRBAs have emerged as a valid and appropriate approach to development. However, within the literature, there is some resistance to HRBAs as a distinct approach to development and refers to it as a repackaging of other approaches to development work. Acknowledging criticisms and limitations to this approach, I then work through other approaches to development that serve as precursors to HRBAs, meaning that they incorporate some aspects of this approach but do not necessarily create the same outcomes because HRBAs bring together multiple approaches to development, as well as the value added by human rights itself. After a discussion of the value added by human rights to the other approaches to development incorporated in HRBAs, this chapter concludes with a more robust definition of HRBAs that will be used throughout this paper.

HRBAs should be understood as a broad category of development work, rather than a specific actionable item. HRBAs can be used with a multitude of conceptualizations of what development practices aim to accomplish, as the approach is tied to the motivations and is centered around enhancing engagement of those who are typically in marginalized positions within existing power structures. This means that HRBAs can be used in programs that cover a broad range of development initiatives, including women's rights and engagement in economic systems through entrepreneurship, increasing access to education, increasing access to healthcare and family planning, etc. Due to this categorical function of HRBAs, rather than an emphasis

on a specific programmatic focus, defining the approach is based more in identifying the broad systemic changes at the core of HRBA ideology.

A thin and insufficient definition of HRBAs is that it is an approach to development that focuses on transforming social structures and power hierarchies in order to establish and maintain rule of law, empower minority and marginalized groups, and hold governments and international organizations accountable through the explicit invocation of human rights language and doctrines.[92] While this definition of HRBAs encompasses the express use of human rights to further the development agenda, it neglects to explain the underlying link between human rights and development in which HRBAs utilize human rights advocacy as more than only a means to an end of development. By working with the literature on human rights, development, and HRBAs, I provide a synthetic overview and thicker definition of HRBAs that theorizes the approach in a more coherent way that emphasizes the value added to development work by incorporating human rights.

HRBAs have emerged from convergence of the fields of human rights advocacy and development practice since the 1990s. While the two fields may now share means, goals, and motivations, it is more important to understand the convergence in terms of shared processes for promoting and working towards both rights protections and positive development outcomes.[93] Without these shared processes, the convergence between human rights and development would not establish a mutually reinforcing relationship,

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[92] Dzodzi Tsikata, "The Rights-Based Approach to Development: Potential for Change or More of the Same?," *IDS Bulletin* 35, no. 4 (October 2004): 130; Uvin, *Human Rights and Development*, 131.
[93] Uvin, *Human Rights and Development*, 122.

on which HRBAs rely. HRBAs suggest a mutually beneficial and transformational link between human rights and development as well as a concurrent translation of legal human rights principles into actionable programs and strategies for development practice.[94] Therefore, this approach requires more than a surface-level connection between rights and development. A broader connection through a historical convergence of human rights and development, including the roles played by actors within them and the value they each provide the other, has led to the emergence of HRBAs as a viable theory of change in development programming.

While the intellectual histories of human rights and international development are individually diverse, convergence of the two becomes clear in the 1990s and onward. Since the 1990s, there have been three main reasons for the convergence between rights and development. First, with the end of the Cold War, the structure of the international system changed and resulted in less emphasis placed on developing countries from a First World perspective.[95] As developing countries exited this spotlight, the liberal economic and political order was also becoming understood as the only viable option, meaning that human rights and other liberal ideals gained even more prominence on the international stage. Second, intellectual changes in the development community, and the turn to the human development paradigm, sparked movement away from structural adjustment programs and other technocratic approaches to development.[96] This in turn opened space

[94] Paul Gready, "Rights-Based Approaches to Development: What Is the Value-Added?," *Development in Practice* 18, no. 6 (2008): 736.
[95] Uvin, *Human Rights and Development*, 49.
[96] Uvin, 49.

for other approaches to gain traction on the international stage. Third, in conjunction with this shift away from technocratic approaches, there was also an increasingly popular view that development encompasses more than economic growth.[97] Human rights, in some cases, filled this gap between a definition of development as simply economic growth and a more holistic definition of development that places emphasis on the wellbeing of individuals and their capacity hold their governments accountable in their roles as duty-bearers. With a changing understanding of what can create positive development outcomes in the contemporary era, the line between human rights advocacy and development practice remains. However, it has also blurred to allow crossover between the two in practice.

Though HRBAs have emerged through a convergence between human rights and development, there are other approaches to development that use many of the same underlying motivations and mechanisms. However, these other approaches are not as holistic as HRBAs, as each focuses only on one aspect that is incorporated into this approach. Rather than simply falling away as another approach emerges, many of the development precursors that have influenced the emergence of HRBAs persist even when other strands of development and theories of change emerge. Key conceptual precursors to HRBAs include the good governance agenda, a participatory approach, the empowerment approach, and the capabilities approach to development.[98]

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[97] Uvin, 49.
[98] Molyneux and Lazar, *Doing the Rights Thing*, 21, 26, 50; Sen, *Development As Freedom*, 99.

The good governance approach is traditionally tied to the technocratic development-as-growth understanding of international development. It is most popularly known through the Washington Consensus and the neoliberal approach to development, in which state policies played a significant role in the theory of change.[99] Using this approach, development practitioners "advocate [for] better government and not just less government," meaning that markets are used as a way to create economic development, but it is based in governments using the funding properly and allocating resources where they were needed most.[100] Within this discourse, the role of the state was "defined in managerial terms, to stimulate the market and growth" while also addressing internal corruption.[101] The good governance agenda, though, was an important precursor to HRBAs because it was also based in demand-led governance.[102] In this context, demand-led governance refers to allocating resources where they are needed most, relying on government accountability as a key to positive development outcomes. The good governance agenda, then, introduced accountability and government responsibility, towards its citizens, to development programming.

HRBAs also draw on values added by the inclusion of participatory development. A focus on participation in development was popularized in the 1960s and promoted by

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[99] Molyneux and Lazar, *Doing the Rights Thing*, 21.
[100] Paul Gready and Wouter Vandenhole, "What Are We Trying to Change? Theories of Change in Development and Human Rights," in *Human Rights and Development in the New Millennium: Towards a Theory of Change*, ed. Paul Gready and Wouter Vandenhole (New York: Routledge, 2014), 3.
[101] Gready and Vandenhole, 3.
[102] Hans-Otto Sano, "The Drivers of Human Rights Change in Development," in *Human Rights and Development in the New Millennium: Towards a Theory of Change*, ed. Paul Gready and Wouter Vandenhole (New York: Routledge, 2014), 36.

USAID.[103] A participatory approach, while focusing on the inclusion of communities and individuals, does not advocate for a change in their positioning within the system. Emphasizing the role of participation does not necessarily include changing the power dynamics and power hierarchies within a society. The inclusion of participatory programs, rather, stems from a focus on local legitimacy through local ownership, accountability, and effectiveness.[104] What is important about the participatory approach for HRBAs, though, is that the latter moves beyond participation to empowerment to allow not only local ownership, but local control of development projects.[105]

Empowerment approaches are a third type of development approach that helped lead to HRBAs. Empowerment, through the 1980s approach, focuses on cognitive, psychological, political, and economic empowerment as a means of furthering positive development outcomes.[106] Through this approach to development, people are not only more able to engage in processes, but they feel as if they are allowed and capable of doing so. Empowerment throughout these dimensions add value to development programs because it creates a way to change power structures and enhance participation. This approach works to dismantle some of the systemic barriers to participation to encourage widespread engagement that was previously out of the question. In this way, the participatory and empowerment approaches are similar as both contribute to the local ownership and ability to claim rights seen in HRBAs. The difference, though, is that

[103] Molyneux and Lazar, *Doing the Rights Thing*, 26.
[104] Gready and Vandenhole, "What Are We Trying to Change?," 13.
[105] Gready and Vandenhole, 13.
[106] Molyneux and Lazar, *Doing the Rights Thing*, 51.

empowerment approaches work to change social and power structures while participatory approaches focus on local engagement in development projects in the absence of such change.

The capabilities approach is largely characterized by the idea that underdevelopment is a result of people's inability to fully participate in economic and social life. Sen argues that freedoms and the capacity to act upon those freedoms are effective contributions to economic progress and development.[107] With this understanding of freedom constituting development, it becomes apparent that development is more than accumulation of wealth even though the economic aspects are key to overall development.[108] The development paradigm described throughout *Development as Freedom* defines poverty, and therefore underdevelopment, a "the deprivation of basic capabilities."[109] The implied theory of change within Sen's capability approach begins with limited rights being helped by social actors such as community organizations and NGOs to pressure the government into recognizing freedoms, which then creates the opportunities for individuals to turn these freedoms into capabilities.

These newfound capabilities allow individuals to act upon their freedoms, and with this enactment, there are development outcomes not only within economics, but other social and political realms.[110] It is important to note, however, that within this

[107] Sen, *Development As Freedom*, 5.
[108] Sen, 14.
[109] Sen, 99.
[110] Sen, *Development As Freedom*.

approach to development the capability to enact on a freedom does not necessarily imply that individuals choose to do so. The approach itself maintains an element of choice in the matter, but the most important point is that individuals now have the choice to make.[111] The capabilities approach, through Sen's discussion of freedoms and unfreedoms, is a conceptual key precursor to HRBAs because freedom is both a process that allows action and the opportunities presented to people.[112] However, the approach emerged around the same time as HRBAs, so it is not necessarily a historical precursor. Though they emerged at nearly the same time, HRBAs are conceptually dependent on the capabilities approach as it identifies an instance in which a concept, such as freedom or human rights, can both be a process and a goal. The capabilities approach, then, contributes to HRBAs as a precursor by linking empowerment with the ability to act on freedoms, and eventually internationally recognized rights.

HRBAs, as I understand them, draw on different characteristics of these separate approaches to development. This synthetic conceptualization of HRBAs as picking up pieces of other approaches to development and underpinning them with human rights, however, requires more explanation. Each of these precursor approaches emerged out of criticisms of other approaches to development. HRBAs draw directly from the neoliberal good governance approach to development *and* the capabilities approach. This seems inconsistent on the surface because the capabilities approach, as well as the participatory

[111] Nussbaum, *Creating Capabilities*, 18.
[112] Sen, *Development As Freedom*, 17.

and empowerment approaches, largely emerged as a normative and theoretical critique of the good governance approach.

Yet, I argue that these approaches can be, and have been, brought together within HRBAs. The main critiques of the neoliberal and good governance approach to development are that it focuses too much on a single aggregate measurement to determine the wellbeing of individuals, puts too much explanatory power on the state's condition, and does not reflect the lived experiences of people.[113] Therefore, the approaches that emerge from this critique ask different questions of development, such as asking if development addresses structural issues of inequality and marginalization. HRBAs draw on both of these overarching frameworks as a way to ensure state accountability and avoid a situation in which NGOs replace the state as the provider of public goods. This approach to development is top-down, meaning that it relies on effective and accountable states to redistribute power and reduce internal inequalities, while simultaneously emphasizing a bottom-up approach in which communities are able to identify and pursue development goals as they define them. This is entirely different than previous approaches because they saw development as *either* a top-down *or* bottom-up enterprise.

These precursors within development are integral to the construction of HRBAs. Yet, some scholars criticize HRBAs for repackaging the same approaches in a different way. Some argue that by incorporating human rights into development, only the

[113] Molyneux and Lazar, *Doing the Rights Thing*, 20; Nussbaum, *Creating Capabilities*, 48.

language has changed and not the actions or goals associated with the initiative.[114] Tsikata argues that HRBAs are not only a repackaging of the same approaches to development, but that the incorporation of human rights into the equation opens up the approach for more scrutiny.[115] In this view, the incorporation of human rights into development work brings the question of donor sustainability to the forefront. HRBAs could, cynically, be interpreted as a repackaging of previously established approaches to development to re-entice donors, given the history of "donor fad-ism," in which their attention is not held by new approaches very long before another appears.[116] Despite this cynical view, while emphasizing good governance, participation, empowerment, or capacity building, in itself, is not new to the development agenda, it is not a simple "repackaging" of ideas. What is brought in through the use of HRBAs, however, is the specific value added by human rights in the development agenda.

Though these precursors exemplify some of the characteristics of HRBAs, there is specific value added to development through the incorporation of human rights. The creation and utilization of HRBAs, then, largely comes from the idea of incorporating human rights protections into the development process.[117] The value added draws attention to "how programs [are] implemented, not just what they were trying to do," the "interconnectedness of development programs," and the "moral and legal basis [development programs] would otherwise lack."[118] This approach is typically utilized by

[114] Tsikata, "The Rights-Based Approach to Development," 131.
[115] Tsikata, 131.
[116] Tsikata, 131.
[117] Munro, "The 'Human Rights-Based Approach to Programming': A Contradiction in Terms?," 192.
[118] Munro, 193–96.

development agencies when tackling issues of poverty, marginalization, and other endemic social problems, but also focus on the power structures that perpetuate these inequalities.[119]

The value added to development practice by including human rights throughout the process is closely tied the role of international human rights law and the accompanied ability to enforce accountability in the international system. The human rights framework provides a sense of legitimacy that accompanies a "universally shared and recognizable" set of norms.[120] This clearly defined shared set of norms adds a sense of uniformity across development organizations that creates a stark contrast to the variation typically seen across development programs in terms of their theories and mechanisms of change. Introducing human rights into development practices also further mobilizes individuals, civil society, and the legal system to enhance development programming.[121] This contribution can be further interrogated through the value added by the inclusivity inherent in international human rights, legal aspects of the field, and popular interpretations human rights language.

Before the 1990s, there was no systemic link between human rights and international development. Yet, at the 1993 UN Conference on Human Rights in Vienna, development institutions integrated traditional human rights issues, such as anti-poverty

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[119] Michael Drinkwater, "'We Are Also Human': Identity and Power in Gender Relations," in *Rights-Based Approaches to Development: Exploring the Potential and Pitfalls*, ed. Sam Hickey and Diana Mitlin (Sterling, VA: Kumarian Press, 2009), 145.
[120] Schmitz, "A Human Rights-Based Approach (HRBA) in Practice," 525.
[121] Schmitz, 525.

and promoting good governance, into the development framework.[122] Here, it becomes clear that a specific value added by integrating human rights into development work is the capacity to use the international legal framework of rights that is missing from development.[123] A legal framework for development practice may not be necessary to see positive development outcomes. Regardless, the human rights framework provides a clear set of negotiation tools, legal guidelines, and bases of justice to be used by states and those employing HRBAs.[124] In this way, the incorporation of human rights into development work has provided a framework to the practice that ensures universality rather than ad-hoc and overly specific approaches to development. HRBAs create a pathway to development that is potentially suitable in any context, removing some of the uncertainty in program planning.

HRBAs face criticisms regarding the supposed incompatibility between the political nature of human rights and the apolitical nature of development. The legal resources attached to human rights decidedly makes the field more political than development. Responses to human rights violations, especially when mitigating the likelihood of recurrence, is based in changing hierarchical power structures.[125] In this way, human rights are considered political because they shape the ways that power is exercised within a specific context. Working towards human rights protections,

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[122] Molyneux and Lazar, *Doing the Rights Thing*, 20.
[123] Uvin, *Human Rights and Development*, 33.
[124] Robert Archer, "Linking Rights and Development: Some Critical Challenges," in *Rights-Based Approaches to Development: Exploring the Potential and Pitfalls*, ed. Sam Hickey and Diana Mitlin (Sterling, VA: Kumarian Press, Inc., 2009), 27.
[125] Chapman et al., "Rights-Based Development," 145.

advocacy has also led to changing relationships not only within the political power structure, but between individuals, NGOs and civil society groups, and the state at a systemic level.[126] Therefore, human rights are considered a political endeavor, as the goal is to shape and possibly constrain the actions of those in positions of power to mitigate and eliminate behaviors that lead to human rights violations.

Despite political nature of HRBAs, development organizations that use this approach are still able to enter underdeveloped communities without total resistance from those who benefit from existing power dynamics. Even though HRBAs are political, in the sense that they employ human rights, some programs are able to mitigate resistance to this political shift in development work because they do not challenge local authorities. In these cases, organizations instead opt to offer spaces for collaboration between those in power and the marginalized to give the latter voice while benefitting the community as a whole.[127] Therefore, while human rights work is inherently political and development work is not, they can still be approached within the same programs. The duality between political and apolitical, as well as human rights being legally codified while most development work is not, may lead to resistance by both practitioners and participants. However, these differences should not be seen as a reason to shy away from community-building programs that employ a combined approach.

The use of human rights as a guiding principle in HRBAs also enhances the inclusiveness and democratic characteristics within development projects. By using

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[126] Molyneux and Lazar, *Doing the Rights Thing*, 110.
[127] Cislaghi, *Human Rights and Community-Led Development*, 206.

human rights throughout the process of development programming, these projects aim to empower all community members, regardless of socioeconomic status, within the target communities.[128] Even though these programs take into account those who are not among the poorest in society, there is a focus on those who are excluded and those who suffer from systemic discrimination.[129] In this way, human rights make development programming more inclusive, creating incentives for widespread support and cooperation.

HRBAs utilize participation at the core of development projects, but the universality of human rights allows for participation of all members of society, regardless of their status as either a member of a majority or minority group. As such, a rights-based approach also allows communities who benefit from development programs "to define their own needs, and to take an active part in their own development."[130] The ability to define what a preferential development program would be in a community's specific context highlights the potential for democratic decision making within HRBAs, and directly mirrors the participatory approach to development. The addition of human rights has, therefore, created a broader and stronger link between the individual and the state through an increasingly participatory process by which citizens are able to define their own needs and hold the state accountable to meeting these needs.[131] The principle of universality within human rights makes it imperative for development programs to

[128] Archer, "Linking Rights and Development," 29.
[129] Archer, 29.
[130] Molyneux and Lazar, *Doing the Rights Thing*, 49.
[131] Gready, "Rights-Based Approaches to Development," 736.

address issues of all community members, which in turn imposes inclusivity on communities that are otherwise discriminatory.

The language of human rights has implications both at the international legal level and a popular conception of what human rights mean outside the legal context. The meaning of human rights in these two kinds of situations allows a differentiation between what human rights have come to mean for different actors: legally, human rights are a "set of rather precise understandings that governments have reached by negotiation," while interpretations by non-legal actors may see human rights in a different light.[132] Both of these understandings of human rights add value to development, whether the emphasis is placed on the legal framework or its interpretation in other contexts.

The interpretation of human rights language within communities and non-legal entities also adds a distinct value to development programming. According to Sen's capabilities approach, which is a key precursor to HRBAs, freedoms and capacity to enact on those freedoms make it possible "to have public discourse and communicative emergence of agreed norms and social values."[133] This, again, points towards the cyclical causal relationship between human rights and development within HRBAs. The interpretation of human rights held by a community, typically through public deliberation made possible by a capabilities approach to development, informs the ways that HRBAs are implemented and their potential impact and ability to further development. Public interpretation and popular discourse on international human rights matter because they

[132] Archer 27, Gready 2008 736.
[133] Sen, *Development As Freedom*, 65.

are perceived differently by local communities and individuals and organizations trained in international human rights law. What constitutes human rights protections or violations in one case may not be discussed in the same ways in another context.[134] Yet, perceptions and interpretations of human rights highlight an important value added to development work when approaching a project with HRBAs and allows for application in contexts that the applicability of international human rights may be questioned, such as the Global South.

Ignatieff makes this distinction between the legal mechanisms of human rights and how people talk about them by differentiating between "human rights" and the "ordinary virtues."[135] Ordinary virtues, according to Ignatieff, is not the same as human rights talk. Instead, they refer to the intersubjective understanding of moral duties people owe each other within a specific community context.[136] Ordinary virtues, in this sense, do not abide by the fundamental principles of international human rights, such as universality and indivisibility. They instead, are customized to a specific cultural and historical context, dependent on public deliberation and understanding. Therefore, a key distinction between human rights and ordinary virtue is that the latter is commonly understood as a result of sympathy and moral codes, rather than legal obligations.[137] Even though there is a difference between ordinary virtue and human rights, the same language and terminology are often used throughout human rights discourse and popular

[134] Merry, *Human Rights & Gender Violence: Translating International Law into Local Justice*, 1.
[135] Ignatieff, "Human Rights, Global Ethics, and the Ordinary Virtues."
[136] Ignatieff, 7.
[137] Ignatieff, 7.

descriptions of ordinary virtues. Ordinary virtues are often discussed within the same context and with the same language of human rights. For example, the idea that ordinary virtues are not a legal obligation does not necessarily mean that they are not interpreted as a social or moral obligation. When discussing either human rights or ordinary virtues, however, it is not uncommon to drop the identifier and describe both as an obligation. In other words, human rights language allows individuals and communities to have a standard for public discourse and emergence of agreed norms and social values that do not contradict, but are separate from, international human rights legal mechanisms.

Interestingly, Ignatieff argues that human rights do not "flow from the ordinary virtues," but are rather a way to universalize the sentiments for moral solidarity.[138] However, the way that ordinary citizens use rights talk in the 21st century identifies a new phenomenon, in which rights talk has been conflated with ordinary virtues and has taken root in the popular discourse. Therefore, the distinction between the ordinary virtues and human rights is a useful dichotomy for understanding how human rights are conceptualized at different actor levels and within different communities but should not be used to dismiss the use of human rights discourse in the public conversation.

Despite the difference between legalized human rights and ordinary virtues, both add value to HRBAs. Rights can provide "political incentives for economic security" and are constructive when establishing values and priorities in development programming.[139] Ordinary virtues, on the other hand, bridge the gap between legal mechanisms and

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[138] Ignatieff, 6.
[139] Sen, *Development As Freedom*, 246.

everyday interactions within and with the state. Therefore, human rights practitioners not only need to understand the written and internationally recognized human rights law, but also how human rights law has been interpreted by non-legal actors.

Human rights are often criticized for being a Eurocentric construction and prioritizing the West over other perspectives in the Third World and the Global South. But the implication of ordinary virtues, as they are based in public opinion as well as international human rights law, exemplifies a way that accounts for the use of human rights language in these contexts. Even within contexts that would traditionally reject the legalistic language of human rights, public agreement on ordinary virtues indicate a pathway for the language of rights to be incorporated and accepted as a framework for social obligations.[140] Even those who traditionally reject international human rights law can invoke human rights in development settings, and this is a distinct understanding of what rights are and what they can do.

Within HRBAs, states are held accountable for their responsibilities to promote development and protect international human rights. State accountability in this case stems from citizens' ability to use the language of the state to influence state behavior.[141] The legal language of human rights, as used by governments, is "grounded, relatively precise, and can be used by governments to negotiate with one another," providing range, power, and precision that is not available in other public official languages.[142] Using language that states already invoke makes it exceedingly more difficult for the state to

[140] Molyneux and Lazar, *Doing the Rights Thing*, 2.
[141] Gready, "Rights-Based Approaches to Development."
[142] Archer, "Linking Rights and Development," 27.

outright refuse to renegotiate behaviors that violate international human rights norms. Community- and citizen-based groups have the capacity to invoke human rights talk to hold governments accountable and create change.

With the power to hold governments accountable, communities, civil society, and individuals are key actors within HRBA programming. As the target of development programming, HRBAs signal a change from understanding communities as passive recipients of aid to becoming active in the development process.[143] Part of this active participation is associated with advocacy on behalf of respect for human rights throughout the development process. At this stage communities and civil society, as rights-holders, contribute to state accountability by building their own capacity to claim rights.[144] The capacity to claim rights, in itself, is a key outcome of HRBAs as well as a way to continue the cyclical relationship between rights and development. Developing this capacity through human rights education and advocacy leads communities to use rights language to pressure governments into action that promotes development.

Yet, this newfound capacity to claim rights is ineffective unless states are held accountable to their roles as duty bearers. Accountability enforcement is strengthened not only by the use of international human rights law, but also domestic legal language. Overall, the legal status of human rights allows HRBAs to emphasize the role of the state in ensuring inclusive development outcomes in a way that has the potential to penalize states for not cooperating or following through with development programs. The

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[143] Molyneux and Lazar, *Doing the Rights Thing*, 10.
[144] Gready, "Rights-Based Approaches to Development," 741.

potential consequences, here, incentivize transparency and accountability that would not be otherwise present.[145] It becomes apparent, then, that states are not employing HRBAs within their own development initiatives because it necessitates significant changes on behalf of the government. HRBAs, rather, are almost exclusively found within NGO's development programming.[146]

Though this approach is mostly used by NGOs, it does not mean that governments are able to avoid engaging with it. NGOs constantly interact with the state when implementing development projects. HRBAs are employed by development NGOs, whether the organization is community-based or large and influential in a transnational context. These organizations use development strategies to promote citizenship with a newfound commitment to democratic practices.[147] Even though HRBAs are typically utilized by NGOs for development programming, the use of human rights as a fundamental framework adds enforcement structures and "general standard-setting" within these programs.[148] HRBAs enhance the capacity of development organizations to maintain a framework of expectations and mechanisms for change across programs and countries.

Accountability, as one of the expectations formalized through the implementation of HRBAs, is created by the interactions between the three levels of actors involved. This means that accountability is enforced from both the top-down and the bottom-up.

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[145] Archer, "Linking Rights and Development," 28.
[146] Nelson and Dorsey, "At the Nexus of Human Rights and Development," 2017.
[147] Molyneux and Lazar, *Doing the Rights Thing*, 6.
[148] Molyneux and Lazar, 45.

States are held accountable by the international community based on their commitments to international human rights law.[149] A state government may be more inclined to respond to rights claims than other claims for goods or services, especially if they have agreed to an international human rights treaty or doctrine related to the issue at hand. The fact that a state has signed a legal document on human rights is relevant here because adherence and conformity to international human rights norms is often associated with international perception of a state's political legitimacy and security.[150] If a state has signed or ratified a treaty, it is expected that they behave in ways that conform to the content of the document. In the case that a state ignores what they contractually agreed to in the document, they are likely to face international backlash that attacks their reputation or political legitimacy. Though not exhaustive, enforcement mechanisms at this level include a state's commitment to maintaining their reputation in the international system, and the international community's ability to negatively impact this reputation through mechanisms such as naming and shaming.[151] States are also held accountable through a domestic channel by which the newly empowered citizens who have enhanced their capacity to claim rights and ensure state accountability through HRBA programming.

The difference between a top-down and bottom-up approach within HRBAs is not limited to holding states accountable. It is also important to distinguish whether HRBAs

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[149] Emilie M. Hafner-Burton, "Sticks and Stones: Naming and Shaming the Human Rights Enforcement Problem," *International Organization* 62, no. 4 (2008): 693; Mary Robinson, "Advancing Economic, Social, and Cultural Rights: The Way Forward," *Human Rights Quarterly* 26, no. 4 (2004): 869.
[150] Rosemary Foot, *Rights Beyond Borders* (Oxford, UK: Oxford University Press, 2000), 2.
[151] Hafner-Burton, "Sticks and Stones," 691; Foot, *Rights Beyond Borders*, 9, 10.

rely on a top-down approach to development, in which NGOs would dictate the development needs and specific measures to accomplish those needs, or a bottom-up approach in which communities have a democratic voice in the type of development outcomes that they want. Much of the literature about the use of HRBAs focuses on the inclusivity of development within a state, rather than state-level development. For example, economic aspects of HRBAs would focus more on the individual's increase in income rather than increasing a country's GDP. This being said, HRBAs can be employed by "citizens seeking a more responsive state," especially when the lack of development is socioeconomically or geographically bounded.[152] It then becomes clear that HRBAs depend on inclusivity in the same ways that all types of development do, but that HRBAs place more emphasis on the individual's recognition as a subject of good governance. Inclusivity in HRBAs indicates that all individuals have the capacity and ability to participate in the developmental process. A community-centered approach lessens the possibility for policies to be selectively enforced by emphasizing unity in diversity, rather than allowing cleavages to determine what groups are held in account to which policies.[153] Therefore, the community's role in the development process through HRBAs is a key aspect that differentiates HRBAs from other approaches to development.

Despite the synthetic approach to development employed by HRBAs, major criticisms of the approach have referred to it as the participatory approach to

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[152] Sheela Patel and Diana Mitlin, "Reinterpreting the Rights-Based Approach: A Grassroots Perspective on Rights and Development," in *Rights-Based Approaches to Development: Exploring the Potential and Pitfalls*, ed. Sam Hickey and Diana Mitlin (Sterling, VA: Kumarian Press, 2009), 109.
[153] Molyneux and Lazar, *Doing the Rights Thing*, 93.

development that simply pays lip service to human rights. Some scholars, such as Tsikata and Uvin argue that the community's involvement in the development process may contribute to, but does not constitute, a bottom-up participatory approach to development.[154] Rather, critiques of HRBAs identify the approach as a repackaging of the same development approaches with the addition of rights talk, without any substantive change.[155] Many of these arguments rely on the idea that the process of translation, in which "apparently remote and sometimes abstract rights are brought down to ground level" distorts the human rights motivation and disputes the effectiveness of the universality principle of human rights in these contexts.[156] But this criticism is not sufficient to detract from the value of HRBAs because even though NGOs can introduce the concepts of the "remote and sometimes abstract rights," applying them to lived and experienced contexts does not equate to rights being imposed on a community. In some cases, communities may be hesitant to explicitly invoke human rights language, as it could be interpreted to be confrontational towards the state due to the political nature of human rights often asking states to make behavioral changes.

With this dynamic between the community and its willingness to adopt the NGOs' stance on human rights as a means towards development, HRBAs are more likely to be successful if they are adopted by the community and used in a bottom-up approach

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[154] Tsikata, "The Rights-Based Approach to Development"; Peter Uvin, "On High Moral Ground: The Incorporation of Human Rights by the Development Enterprise," *PRAXIS The Fletcher Journal of Development Studies* 17 (2002): 1–11.
[155] Tsikata, "The Rights-Based Approach to Development," 130.
[156] Molyneux and Lazar, *Doing the Rights Thing*, 3; Merry, *Human Rights & Gender Violence: Translating International Law into Local Justice*, 220.

to development. Even though the development programs themselves are created by NGOs and third-party groups, they are predicated on the idea that there will be widespread community buy-in and participation because "rights can only be made real by the involvement and empowerment of the community at large, in particular those whose rights are most violated."[157] From this view, if HRBAs are not applied through a bottom-up structure, the value added by human rights is moot and cannot be employed in the development program.

Legal interpretations enforce state accountability from the top-down through enforcement mechanisms such as naming and shaming and a reliance on states caring about their international reputation.[158] Naming and shaming, especially in the context of human rights enforcement, generates public pressure to advance human rights and hold governments accountable to their legal commitments.[159] From the bottom-up, ordinary virtue and the public's interpretation of human rights reinforces state accountability to its citizens along parallel structures to human rights. The main difference between the two approaches to accountability are the potential consequences for not cooperating and following through with their obligations. Introducing human rights into development practices through HRBAs increases the risk faced by states for failing to follow through with development initiatives and service provision, especially when faced with internal pressure from civil society.

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[157] Chapman et al., "Rights-Based Development," 166.
[158] Robinson, "Advancing Economic, Social, and Cultural Rights," 869.
[159] Robinson, 869.

Despite the additional value human rights bring into development practices, there are still limitations to HRBAs that must be addressed to understand how and why HRBA programming can be successful. These limitations center on the lack of a clear and shared definition of what HRBAs are in practice. Due to the lack of cohesive definition of HRBAs, critics argue that they are "no more than a metaphor," and a way to insert the human rights agenda into a context that a diverse set of communities can adopt and adapt.[160] This creates issues, then, with the ability to discern rights programming from development programming.

At the surface level, HRBA advocates may not identify a lack of differentiation between human rights and development programming as a problem. But it creates an issue for funding because not all actors in the development field subscribe to HRBAs as a development framework, meaning that donors and practitioners may not agree on the utility of HRBAs. When considering donor participation and states allowing the programs to persist within their borders, the difference between rights and development programming is paramount. Donors tend to prefer a less demanding strategy towards human rights compliance while also insisting the integration of human rights standards in practice.[161] Human rights are political and consistently engage with governments and institutions, whereas development is typically thought of as an apolitical enterprise, meaning that each type of programming will likely have different support from different groups.

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[160] Sarah Bradshaw, "Is the Rights Focus the Right Focus? Nicaraguan Responses to the Rights Agenda," *Third World Quarterly* 27, no. 7 (2006): 1330.
[161] Sano, "The Drivers of Human Rights Change in Development," 35.

In addition to potentially different support structures, in some cases human rights may be resisted by communities and states because HRBAs are thought to ignore realities of power. This argument is based in the idea that the Western ideals of human rights that may not take cultural contexts into consideration.[162] In this case, HRBAs may reduce human rights to "a set of ethical claims, which must not be identified with legislated rights."[163] Or, to put into the vocabulary of the value added to HRBAs by human rights, is that there is a fear and distinct possibility that the approach will rely solely on ordinary virtues to guide development practices, rather than the negotiated legal characteristics of the human rights agenda.

Criticisms of HRBAs, though, are insufficient to make the approach unusable. The implementation of HRBAs makes it clear that human rights and development are not incompatible at a theoretical level. This being said, a mixture of mechanisms from both human rights and development practices is essential, but not all programs need to explicitly reference international human rights law to be considered under the umbrella of HRBAs.[164] Even though this type of characterization of HRBAs indicates a wide range of possible processes, a comprehensive definition of HRBAs emphasizes not only the concepts to be strengthened, but also the outcomes.

As previously defined, HRBAs focus on transforming social structures and power hierarchies in order to establish and maintain rule of law; empower minority and marginalized groups; and hold governments and international organizations accountable

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[162] Chapman et al., "Rights-Based Development," 168; Sen, *Development As Freedom*, 229.
[163] Sen, *Development As Freedom*, 229.
[164] Uvin, *Human Rights and Development*, 159.

through the explicit invocation of human rights language and doctrines.[165] This definition works at a surface level, but also implies understanding of the approaches to development that serve as precursors and the value added by human rights. By explicitly outlining these features, HRBAs are also defined by the use of human rights principles and enforcement mechanisms to hold governments accountable; the use of participatory public deliberation and ordinary virtues to establish the optimal development outcomes; empowerment measures to change power structures within the community and solidify participation as the norm; and elimination of structural barriers to participation and empowerment within social, political, and economic processes. With this multifaceted definition, HRBAs combine the practicality and goals of both human rights advocacy and development practice.

HRBAs constitute a new approach to development in such a way that synthesizes the value added by other approaches. By bringing together characteristics of good governance, participatory, empowerment and capabilities approaches to development, as well as incorporating the positive attributes of human rights, HRBAs create a new pathway towards development. For those who are persuaded by the power of human rights to create global political change, HRBAs are a logical theory of change for development programming.

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[165] Tsikata, "The Rights-Based Approach to Development," 130; Uvin, *Human Rights and Development*, 131.

Chapter 4: How and When HRBAs are Implemented as a Theory of Change

The next two chapters describe in detail different ways NGOs have used HRBAs in their development programming. By outlining the use of HRBAs in Tostan's and Oxfam's programming, I hope to offer a comparison that highlights the broad range of programs that can use HRBAs as a theory of change. In each of the following NGO-specific chapters, I will first introduce each organization with a short background. This background will then lead towards a description of the development methods the organization uses, the type of development they are suited for and what the organization focuses on. This helps inform a broader theories of change employed by the organizations, which I argue are examples of HRBAs being used as a theory of change. Finally, the potential for success of each HRBA theory of change will be analyzed by looking at short- and long-term outcomes, as is available for each organization and its programs.

Differentiating between development paradigms and theories of change highlights why HRBAs have more explanatory power as a theory of change. A development paradigm or framework, is "the definition of modalities to achieve development, based on either a codified set of activities and/or based on a vision regarding the functioning and evolution of a socio-economic system."[166] In other words, a development paradigm or framework defines the types of activities that lead to development, based on an intersubjective and normative understanding of the desired development outcomes.

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[166] Lorenzo G Bellù, "A (Reasoned) Review of Prevailing Visions," Issue Paper (Rome, Italy: Food and Agricultural Organization of the United Nations, May 2011), 1.

Thematic development paradigms include economic, sustainable, human, and territorial development.[167] It follows that HRBAs could be understood as a characteristic of a distinct development paradigm because it could be understood as redefining development in terms of human rights and development outcomes in terms of how they impact the lives of individuals rather than state-level economic or political development. However, I argue that HRBAs do not constitute a development paradigm. HRBAs do not define what development *means*, but rather define a pathway for how development programming can be pursued within a broader paradigm or framework.

In contrast to a development paradigm, a theory of change does not inform or change how practitioners define development but influences the methods and actions that practitioners will use to pursue positive development outcomes. In general, a theory of change is simply "how and why a given intervention is going to work."[168] Theories of change are considered a specific type of logical framework, in which processes of strategic planning, communication, accountability, and learning are clearly explained in a way that provides a step-by-step framework for programming.[169] A theory of change, then, has more explanatory and prescriptive power than a development framework because it provides a clear pathway for programs to implement programs from a specific perspective. Theories of change also provide a model that can be replicated and altered

[167] Bellù, 3.
[168] Craig Valters, "Theories of Change: Time for a Radical Approach to Learning in Development" (London: Overseas Development Institute, September 2015), 5.
[169] Valters, 5.

to fit the specific development context. All development programs have a theory of change, whether it is clearly explained or implied within the project's goals and actions.

In other words, a development paradigm is focused on *what* will be done, while a theory of change focuses on *how* the approach or program will create those outcomes. HRBAs are successful when key actors accept that human rights will impact development outcomes and HRBAs are the theory of change within development programs. With this combination, it is possible to see clear outcomes that are not present in cases with different theories of change.

I argue that HRBAs have more explanatory power as a theory of change than as a development paradigm. This argument is based in the widespread acceptance of human rights as an international norm, but that acceptance of the norm itself does not lead to positive development outcomes. In the case of identifying HRBAs as theory of change, the development programming identifies human rights protections and promotion as a causal mechanism for development outcomes. I emphasize the importance of HBRAs as a theory of change because it represents only one pathway to development, whereas a development paradigm is all encompassing and changes the way that all actors in the international system think about and approach development. Clearly, this is not the case because development is possible without human rights, even in the 21st century.

Despite the differences between development paradigms and theories of change, the literature on HBRAs is conflicted regarding its positioning within development programming as either a characteristic of the structure or a causal mechanism. This question is important moving forward, because it informs whether an approach to

development through human rights creates change, or if it is a way of understanding development in a theoretical sense.

Throughout the literature, HRBAs are discussed both a development framework and a theory of change. This is why it is important to adequately define and theorize HRBAs within the development and human rights literature. At this point in time, it is unclear where or how HRBAs consistently fit into development work. The literature argues that the approach fulfills a different purpose depending on which way they are discussed. As a development framework, the widespread adoption of HRBAs throughout development and human rights NGOs has changed what development *means*. There are two key aspects that support the definition of HRBAs as a development paradigm. First, this type of approach to development puts more power with the communities within developing communities, rather than outside organizations. Second, there is a shift in the meaning of development and the practices development practitioners need to perform.

HRBAs place emphasis on participatory development practices. Participation in development does not simply mean that both those implementing development programs and those who benefit are taking active roles. Approaches labeled as "people-centered" that do not respect the autonomy of all involved, are likely to see limited effects and lasting success because they either impose development practitioners' views on people or undercut people's capacity to engage with the program by assigning all project efforts to

the practitioners themselves.[170] When this type of approach is applied effectively, the programs will not override or undercut people's capacity to enact change.

The literature, however, also discusses HRBAs as a category of theory of change in development practice. Within the literature on HRBAs, many scholars who did not imply that HRBAs are a development paradigm in which they make significant changes to the conceptualization of development discussed HRBAs as an implicit theory of change. In this sense, HRBAs provide a specific way of going about development practice and programming that outlines the processes and causal mechanisms involved in positive development outcomes. HRBAs, as a theory of change, identify an alternative approach to securing both sustainable human rights protections and sustainable development. One way to understand HRBAs is that they utilize human rights as the *motivation* for inclusive development.[171] While the motivation for development may not always be relevant to the outcomes, in this case, it will inform the types of programs implemented because it expands the skillset and tools available to development practitioners. From this point of view, the goal of HRBAs is to identify a pathway that countries can follow to ensure both human rights protections and sustainable, ongoing development.[172]

The first example describes how the NGO Tostan uses human rights education for development programs. Tostan focuses its work in West Africa, explicitly uses human

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[170] Cislaghi, Gillepsie, and Mackie, *Values Deliberation and Collective Action*, 6; David Ellerman, "Helping Self-Help: The Fundamental Conundrum of Development Assistance," *Jounral of Socio-Economics* 36 (2007): 564.
[171] Onazi, *Human Rights from Community: A Rights-Based Approach to Development*, 124.
[172] OECD, "Perspectives on Global Development," 14.

rights as the core principle of their development activities.[173] Tostan exemplifies the use of HRBAs within a smaller NGO that focuses its work within a region. The second case study will focus on Oxfam International. Oxfam is used as a case study because it was one of the earliest adopters of HRBAs within the international NGO community. [174] Though these two organizations are both considered international, Oxfam has a much broader reach throughout the world, whereas Tostan focuses its activities in select countries in West Africa. The goal, by using these two organizations, is to compare their theories of change, successes, and limitations to bring empirical evidence into the conceptualization of the theory of change engaged through HRBAs.

Part of the allure of HRBAs within NGOs is that the language is already engrained in much of their existing work. In these instances, it is also not necessary to "translate" the language of human rights in the same ways that would be essential for organizations that are not engaged with international law on a regular basis.[175] Translation in this instance simply means "adjusting the rhetoric and structure" of programs so that they fit better with local circumstances; in some cases, this may mean dropping the explicit language of rights in favor of claims of wants that do not address power structures or inequalities.[176] Because HRBAs gained traction with NGOs, this

[173] Tostan, "Strategic Engagement Plan 2019-2022" (Dakar, Senegal: Tostan, June 2019), 6, https://www.tostan.org/wp-content/uploads/Tostan-SEP-branded-english-4.pdf.
[174] Shannon Kindornay, James Ron, and Charli Carpenter, "Rights-Based Approaches to Development: Implications for NGOs," *Human Rights Quarterly* 34, no. 2 (2012): 479.
[175] Kindornay, Ron, and Carpenter, 501.
[176] Merry, *Human Rights & Gender Violence: Translating International Law into Local Justice*, 135.

analysis will focus on their use in development programming development organizations Tostan and Oxfam.

This comparison also highlights differences based on the organizations' international and regional scope. With this in mind, I use published materials from the NGOs themselves, as well as independent research and evaluation of their programs to pick out their implied theory of change, explain how it exemplifies a HRBA, and establish their potential success.

It becomes important, then, to be able to establish the incorporation of HRBAs in the theory of change if it is not explicitly stated. By referring back to the definition of HRBAs, it becomes clear that these organizations are using this approach in development programming outside of their explicit reference to it. Both organizations emphasize inclusion and emancipatory values involved in the capabilities and empowerment aspects of HRBAs, while maintaining a reliance on human rights law and popular discourse to support the program. These cases show that HRBAs are used in a theory of change, explaining how the mechanisms of change and specific actionable items the programs set forth will lead to development. They also illustrate two distinctive implementations of this approach, depending on the organization's level of communal involvement.

Chapter 5: Tostan: Implementing HRBAs in Community Empowerment Programs

The NGO Tostan uses HRBAs as core approach to development, informing its theory of change across programs. This use becomes apparent in their problem statement and reliance on human rights education (HRE) to address the systemic issues that prevent development. The type of programs that Community Empowerment Programs (CEPs) focus on address inequalities within communities and are well positioned to respond to rights claims in the development process. The example of using HRBAs as a theory of change within the NGO Tostan, and the successes seen within a single community context that are not reflected in contexts that span across communities, demonstrate a suitable type of program for HRBAs as well as a clear limitation of the approach. Tostan has seen success in addressing women's rights and equalities within target communities, while they have not been as successful in curbing child marriage, as the traditions of child marriage in cross-community marriage is dependent on a network of communities that are not all targeted by the CEPs. HRBAs, in this context, are used to further inclusive development in societies where development has begun but is unequal and benefits groups differently depending on their social and political status.

This chapter uses the case of Tostan to understand one way HRBAs are implemented as a theory of change. Throughout these CEPs, HRBAs and HRE are used to help communities address issues of unequal power distribution in both formal and informal settings. Therefore, I use Tostan as an example of an organization that uses HRBAs as their theory of change and argue that the approach is useful in some development contexts, but not all.

The NGO Tostan is headquartered in Senegal and aims to promote community-centered and community-powered development. Founded in 1991, Tostan has implemented CEPs in 22 languages across 8 West African countries.[177] Though this may seem limited in scope, the organization's program reached a significant number of people within the communities it serves. In 2018 alone, Tostan's programs had 18,571 participants in 272 communities.[178] The organization itself claims to base its work in a human rights-based approach.[179] Tostan's approach strives to be respectful, inclusive, holistic, and sustainable to strengthen both individual and collective agency as a pathway to development.[180] These guiding characteristics shape the way the organization engages with communities and their chosen mechanisms of change to employ.

Tostan's programs also specifically target communities that are marginalized and impoverished compared to other areas within the country. Most of the villages that participated in the CEP did not have electricity, running water, sewage systems, a hospital, a bank, or a school at the time of program implementation.[181] By targeting these communities, Tostan approaches the question of closing the gap between the privileged and the poor within a country, which is also scaled down to approach questions of inequality within individual communities. Typically, the privileged are more able to explore possibilities for the future more often and realistically than those living in

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[177] "Vision, Mission & History | Tostan International."
[178] Tostan, "Annual Report 2018" (Dakar, Senegal: Tostan, 2018), 7, https://www.tostan.org/wp-content/uploads/Annual-Report-2018.pdf.
[179] "Igniting a Movement of Peace from the Grassroots: Tostan and Partners Launch Project USAID UNAAM KAYRAAY | Tostan International," accessed December 10, 2019, https://www.tostan.org/peace-and-security-project-usaid-unaam-kayraay/.
[180] Tostan, "Annual Report 2018," 7.
[181] Cislaghi, Gillepsie, and Mackie, *Values Deliberation and Collective Action*, 10.

poverty.[182] It follows, then, that if past patterns hold true, participants in CEPs will bring beneficial changes in their communities as their capacity to critically engage with their practices increases.[183]

Based on Tostan's problem definition, the organization is clearly engaged in a conversation between human rights and development. Tostan defines the problem that inhibits development and community growth as "the lack of access to empowering formal and non-formal education, exacerbated by poverty and deeply entrenched harmful social norms [because it] creates an environment that fails to adequately prepare individuals and communities to realize their own vision for sustainable community wellbeing."[184] Based on this, Tostan's goals are to increase access to traditional childhood education, reduce poverty, reimagine social norms, and allow individuals and communities to actively define and enact what they believe is the best plan of action for increasing development and overall wellbeing. These goals directly relate to the definition of HRBAs that emphasizes the role of human rights, good governance, accountability, empowerment and participation to ensure positive development outcomes.

The NGO also emphasizes community wellbeing as one of the main goals of their CEPs. Tostan defines community wellbeing as "the combination of social, economic, environmental, cultural, and political conditions identified by individuals and their community as essential for them to flourish and fulfill their own potential.[185] With such

[182] Cislaghi, Gillepsie, and Mackie, 2.
[183] Cislaghi, Gillepsie, and Mackie, 137.
[184] Tostan, "Strategic Engagement Plan 2019-2022," 5.
[185] Tostan, 6.

an inclusive definition of community wellbeing, Tostan is able to approach different issues in the target community's context through its core principles and practices. Tostan's problem definition, and implied courses of action to remedy the problem, do not indicate any specific development projects, like an emphasis on women's rights or access to equal education, which allows flexibility to determine the outcomes that the community wants and needs at any given time.

Tostan's Theory of Change

Tostan is focused on community-based development as the overall goal of their Community Empowerment Programs. Community development, broadly, refers giving the poor, those who will benefit from the development program, the power to define the development goals for each project.[186] Community-based development is also contingent on revitalizing the concept of community as "an inclusive decision-making unit of organization."[187] Like HRBAs, community development, even with the act of giving power to those most affected by the programs, is "underpinned by principals of local empowerment, participatory governance, demand-responsiveness, administrative autonomy, greater downward accountability, and enhanced local capacity."[188] With these common themes between community development and HRBAs, the logical leap between the two is not too great to bridge.

The use of HRE classes to engage the community in development is an example of indirect development, and a method for the HRBA-focused theory of change. Rather

[186] Onazi, *Human Rights from Community: A Rights-Based Approach to Development*, 31.
[187] Onazi, 8.
[188] Onazi, 31.

than facilitators and NGO workers bringing resources or money to the community, they emphasize autonomy of community members and building self-help capacity.[189] Ellerman (2007) defines this relationship between the NGO and the community as the helpers and the doers.[190] Within programs guided by principles of indirect development, the helper's main job is to facilitate the transition from the doer's passive role to an active one.[191] Arguably, an indirect approach to development, which builds the community's capacity for self-help and confidence in their ability to help themselves, is a more sustainable model for development than conditional loans or top-down structural reforms. Tostan uses HRE classes and the CEP to avoid the pitfalls of traditional development work that either overrides or undercuts the community's self-help capacity.[192] Therefore, the organization sees the process of the CEP as the way to go about creating these changes at the community-level.

Broadly, Tostan relies on a localized interpretation of international human rights and enhanced community capacity to create change. By using a translated understanding of human rights principles that are compatible with the community system, Tostan is able to engage with the community but also maintain the integrity and value added to development work by the human rights framework. Tostan uses a human rights-based and bottom-up approach to community empowerment to emphasize the role of local cultural values and goals in development programming.[193] Within the classroom setting,

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[189] Ellerman, "Helping Self-Help," 567.
[190] Ellerman, 563.
[191] Ellerman, 569.
[192] Ellerman, 575.
[193] Cislaghi, *Human Rights and Community-Led Development*, 3.

the community (or at least the participants in the program) are able to reinterpret their communal values and traditions through a lens using the human rights principles they learn about, and what they mean in the local context.

It is important to re-emphasize, here, that human rights can and should be appropriated to non-Western contexts. However, they are not applicable in all cases without appropriation and adjustment. When communities can translate human rights within their own set of social values, human rights and human rights-consistent values begin to regulate interactions and human behavior.[194] Local interpretations of human rights and their implications and outcomes are integral to Tostan's theory of change; without this translation process, HRE will not be able to create sustainable community development.

Applying this localized interpretation of human rights to existing practices in turn highlights human rights-inconsistent practices. Communities are then encouraged to imagine a change that will allow them to change the practice, so it is coherent with human rights, while still culturally consistent. Tostan's theory of change is not dependent on telling people what to do, but rather empowering them to visualize their own goals and pathways towards reaching them in a sustainable way that respects international human rights.[195]

For example, in a Senegalese community that welcomed Tostan and participated in the CEP, participants originally identified local values of honesty and forgiveness

[194] Cislaghi, 20.
[195] Cislaghi, 215.

working hard, helping one another, and reciprocity as important community values.[196] Over the course of the program, though, these values were replaced by human rights-informed alternatives of unity and caring in the sense that these values contribute to human rights objectives in more constructive ways than the prior values.[197] Though at the surface, there may not seem to be a significant difference, the change in community values also reflects a broader change of ensuring development through education, health, and opportunity for all, rather than sharing between those with and those without. HRE teaches that equality within the community is essential for positive development outcomes, which implies equality of opportunity as well as having equal voice within the community.[198] Therefore, HRE is an integral part of Tostan's theory of change, without which the community would not begin to question its own practices and traditions, with a focus on unity and equality, through a human rights lens.

Tostan's methods and HRBA-based theory of change are particularly suited towards addressing communal values and traditions. Unlike those dictated by biology or religion, traditions and socially constructed norms (that are not reified as they are in a religious context) can be socially reconstructed.[199] Yet, this reconstruction and reimagining of social norms and traditions depends on more than only the implementation of HRE. Creating these changes requires strengthened abilities such as problem identification, exploring possible solutions, and weighing the costs and benefits

[196] Cislaghi, Gillepsie, and Mackie, *Values Deliberation and Collective Action*, 43-45, 77.
[197] Cislaghi, Gillepsie, and Mackie, 117.
[198] Cislaghi, Gillepsie, and Mackie, 121.
[199] Cislaghi, *Human Rights and Community-Led Development*, 130.

of alternative courses of action.[200] HRE is not solely focused on informing participants about human rights, but also empowering them to utilize them to further community development and overall wellbeing.

Broadly speaking, Tostan aims to change community power dynamics expanding the public sphere through both individual and community empowerment. Addressing power dynamics through HRE and CEPs, Tostan is able to address power distribution within both formal and informal sectors. According to the definition presented by Gaventa, visible power refers to the "visible and definable aspects of political power" such as formal rules, structures, and institutions.[201] Hidden power, as a middle ground between formalized power structures and underlying efforts to shape meaning, allows those with power to control who is able to participate in decision-making and set the agenda.[202] The third form of power, invisible power, shapes meaning and acceptability in the hierarchical relationship.[203] Tostan's theory of change focuses more on hidden and invisible power, and how they influence participation in the political and economic aspects of community.

Tostan's theory of change, however, does more than address power dynamics and is best understood as a process. Cislaghi, Gillespie, and Mackie (2016) identified 6 distinct stages of Tostan's theory of change. First, the community is "unsettled," by creating preliminary changes like cleaning the village and building the classroom for the

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[200] Cislaghi, Gillepsie, and Mackie, *Values Deliberation and Collective Action*, 29.
[201] John Gaventa, "Finding the Spaces for Change: A Power Analysis," *IDS Bulletin* 37, no. 6 (November 2006): 29.
[202] Gaventa, 29.
[203] Gaventa, 29.

program.[204] This first step, before the program ever begins, primes the community to accept the changes they wish to see by visually proving that they are capable of enacting change. Then participants work to challenge their self-understanding by expanding communal roles and personal efficacy within the community.[205] At this stage in the process, participants are likely to vocalize challenges to communal values and traditions, possibly without a valid alternative in mind. Yet, it is still an integral and effective step in the process because it problematizes the status-quo within the community. According to Cislaghi et al, the third step in Tostan's theory of change is based in the HRE classes; at this stage, human rights are localized, and participants begin to reinterpret their own experiences through the translated understanding of human rights. The fourth step follows the third closely, as it resettles the community by solidifying the new norms and traditions with which the participants wish to replace human rights-inconsistent practices.[206] The next step in this process is when the public sphere expands, which is done by HRE participants enacting their newly defined public roles outside of the classroom.[207] At this stage, in one of the communities observed by Cislaghi et al, women were significantly more vocal and involved in community meetings than they had been at the beginning of the program. Additionally, those in positions of power were also open to listening to women's contributions, which would not have been the case if a woman attempted to contribute to the meetings before the CEP was implemented. The sixth and

[204] Cislaghi, Gillepsie, and Mackie, *Values Deliberation and Collective Action*, 147.
[205] Cislaghi, Gillepsie, and Mackie, 147.
[206] Cislaghi, Gillepsie, and Mackie, 147.
[207] Cislaghi, Gillepsie, and Mackie, 147.

final step in this process is the public diffusion of these changes, in which "seeing is believing."[208] As the broader community witnesses the changes in those who have participated in the HRE classes, in conjunction with organized diffusion, allows both community members and outsiders to see a significant changes within the community.

Tostan's theory of change for development is clearly a multi-step process. This process, as outlined above, includes widespread community participation in HRE classes. These classes are not meant to simply inform participants of human rights, but also to create a space in which the participants are able to interpret and translate these human rights into their local context. The localization of human rights principles allows the community to reevaluate their norms and traditions and make changes to those that are inconsistent with human rights. These changes often lead to development outcomes, as the human rights-inconsistent practices often thwarted development initiatives within the community. Tostan's theory of change seeks to create systemic change within communal norms and traditions, which then challenge power structures, to create long-term sustainable change for development.

However, Tostan's theory of change is contingent on conditions necessary to facilitate sustainable change. There are many factors at play that influence the success of Tostan's CEP. These facilitating factors, outside of the theory of change itself, constitute necessary conditions for change. Tostan has taken many of these conditions and made them necessary for implementing the CEP. Throughout the program, people learn to

[208] Cislaghi, Gillepsie, and Mackie, 147.

think and act in new ways, and others see their capacity for change.[209] Furthermore, participants must desire education, agree to work together, and want better lives for themselves and the community at large.[210] Essentially, the CEP and HRE classes cannot be effective if the participants and the community are not invested in the program and its outcomes, independently of the program's and its facilitators' influence.

Human Rights Education and Community Empowerment Programs

To determine the development goals and needs of each community, Tostan employs HRE to engage people in the development process. HRE classes are separate from traditional childhood education, which is often seen as a potential solution to development problems, because it focuses on addressing communal values and relationships, mostly among adults. As a mechanism of change within the broader HRBA theory of change, HRE is integral for promoting community development from the bottom-up in these communities.[211] This grassroots and bottom-up approach to development seen in the CEPs contributes to its classification as HRBAs. Tostan's programs are modeled with a non-formal education approach with an emphasis on participatory methods to specifically cater to an inclusive model of development that targets socially and economically marginalized communities.[212] Rather than providing resources or money to targeted communities, Tostan uses an indirect approach to development, which emphasizes assistance through promoting autonomy and capacity

[209] Cislaghi, Gillepsie, and Mackie, 188.
[210] Cislaghi, Gillepsie, and Mackie, 155.
[211] Cislaghi, Gillepsie, and Mackie, 1.
[212] Diane Gillespie and Molly Melching, "The Transformative Power of Democracy and Human Rights in Nonformal Education: The Case of Tostan," *Adult Education Quarterly* 60, no. 5 (November 2010): 4.

building.[213] Tostan's model for development is, furthermore, based in mutual respect for autonomy and allowing communities to establish their own needs, which can then be expanded-upon throughout the HRE classes.

The HRE classes within the broader CEP aim to involve everybody in the community, not only those who are marginalized and typically excluded. Even though there is a focus on women and children's rights, the program "aims to develop the capacities of individuals and communities," because it is more likely to be effective with support and input from the community in its totality.[214] Tostan specifically uses HRE to achieve these development goals, as it potentially allows community members to create change based in their own understandings and experiences, rather than adopting imposed practices and abandoning traditionally held beliefs and traditions that are prescribed as wrong or inappropriate.

Tostan, as an organization, explicitly uses HRE as the main method for community development. An exploration of HRE as a method for HRBAs identifies that this approach is best suited towards empowering marginalized groups within a single community, rather than addressing inequalities between communities. Tostan does not necessarily work to ensure that the national government provides the same goods, services, rights, and opportunities to those who live in these rural communities as the urban areas. Rather, the organization is concerned with the ability of individuals to

[213] Ellerman, "Helping Self-Help," 575.
[214] Cislaghi, Gillepsie, and Mackie, *Values Deliberation and Collective Action*, 2.

actively and effectively participate within their local communities, which would in turn impact the lived experiences of program participants.

Tostan uses HRE as a concretely defined method for achieving human rights-based development. Throughout this model, HRE classes are used to help participants identify traditions and norms that are inconsistent with human rights. The educational and development process is predicated on local ownership and making improvements where the community sees fit. From the outset, Tostan's model for HRBAs relies on invitations from local authorities, the community building a classroom together before the classes begin, and instruction in local languages.[215] To further build a sense of community and ownership throughout the program, Tostan exclusively employs facilitators that are from the same ethnic groups as the communities they are engaging with to ensure that facilitators have the background needed "to fully make sense of the community's understandings of the world and the classes."[216] A specific pedagogy, with a focus on maintaining ownership and creating local constructions of human rights-consistent practices, is used by Tostan throughout the HRE and CEP.

The HRE classes are successful, in part, because they are based in nonformal education. Nonformal educational models should be contrasted with the traditional education of children in a specific way, often teaching children not only basic skills such as reading and math, but arguably what to think about the world around them as well. A "school" does not have to imply traditional education, but can simply be a place for

[215] Cislaghi, Gillepsie, and Mackie, 53–54.
[216] Cislaghi, *Human Rights and Community-Led Development*, 134.

community gatherings with the goal of strategizing, peer-to-peer learning, and consulting with the facilitator or teacher.[217] The Tostan model, again, is based in the idea that a classroom's authority should be decentralized, which is why Tostan refers to the instructor as a facilitator rather than a teacher, and participation is emphasized in every step of the educational process.

In addition to decentralizing the authority within the classroom, the HRE classes are dependent on community participation to set the agenda for the curriculum. The Tostan educational model "encourages its participating communities to envision their future and engage in values and deliberations, especially the understanding and realization of human rights."[218] In the same vein, the curriculum is not made only by Tostan and its HRE facilitators, but local communities are encouraged to identify their educational needs and help create the curriculum along these lines.[219] A model of nonformal education can be used for development because "it can help challenge local social norms and practices hindering [people's] freedoms and the development of their capabilities."[220] In this sense, Tostan takes the perspective of bottom-up development through a participatory framework as the structure for the organization's educational activities. Using a nonformal educational model, Tostan is able to continually emphasize the community's role in identifying, interpreting, and applying human rights discourse to its traditions and actions.

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[217] Ellerman, "Helping Self-Help," 568.
[218] Cislaghi, Gillepsie, and Mackie, *Values Deliberation and Collective Action*, 2.
[219] Gillespie and Melching, "The Transformative Power of Democracy and Human Rights," 2.
[220] Cislaghi, *Human Rights and Community-Led Development*, 16; Gillespie and Melching, "The Transformative Power of Democracy and Human Rights," 2.

The emphasis on the community's ability to establish its own needs directly relates to the characteristics of HRBAs. Tostan's community empowerment programs and use of human rights education to facilitate the empowerment process directly relates to the conceptual ideas of empowerment, participation, and incorporation of universal human rights principles. Empowerment and participation, as previously described, refer to the ability to change power structures by increasing legitimacy through local ownership of programs. Before it is explicitly clear that Tostan engages HRBAs within its theory of change, it becomes clear that the organization engages with a similar approach to development programming.

Even though Tostan aims to make changes based in women's empowerment and bolstering women's participation in political life, the NGO uses a model that takes a step back and focuses first on community empowerment and ownership. Tostan works toward overall community development, rather than focusing solely on women's empowerment. They approach it from this perspective so that the HRE classes are gender-inclusive and both men and women are undergoing the educational process in which they identify traditions and norms that need to be reinterpreted. This means that not only women were present in the HRE classes, but that men and youth are also involved. The presence of men within the classes encourages women to use the education and learned skills to effectively communicate with those outside of their marginalized group, especially those who benefit from the current social dynamics.[221] The inclusive classroom experience also allows for community-based diffusion of the

[221] Cislaghi, *Human Rights and Community-Led Development*, 143.

reimagined norms and changes that emerge from the HRE classes. Without the presence of those who are excluded from political discussions, it is unlikely that these newly empowered perspectives would impact broader economic and political life within the community.

These programs work to allow participants to reimagine social roles for each other that are challenged by the current social status quo.[222] Therefore, this model may not be sufficient for widespread change at a country level but is suited only for community-based development. Tostan works to empower the community's self-help capacity and build on their cultural views of the world, while allowing participants to re-evaluate their position in relation to human rights that they agree with in a separate context.[223]

In this sense, Tostan is limited to community development, but it also uses this to its advantage to use an approach to development in which the community itself establishes development goals. The Tostan model for HRBAs relies on the program starting where the community already is, seeing the world through the eyes of the participants, respecting community members' autonomy, and accepting that real change is slow and incremental.[224] Rather than having new practices imposed upon them from an NGO, under this model communities are able to reinterpret their norms and reevaluate their behaviors to make sure that their values, norms, and behaviors, form a coherent narrative. For example, communities see that they value loving their children, but their norms and traditions sacrifice their children's wellbeing to participate in cross-

[222] Cislaghi, 87.
[223] Cislaghi, 1.
[224] Cislaghi, 234.

community child marriages. HRE encourages communities to identify the incoherent narrative between their values and their behaviors, and change behaviors to match the values. In this case, communities are encouraged to emphasize the role of extending the education available to girls, rather than forcing marriages at such a young age.

As established through other approaches to development that emphasize inclusivity, Tostan takes a clear organizational stance that exclusion can and will hinder community development.[225] Part of the organization's mission statement is "to empower African communities to bring about sustainable development and positive social transformation based on respect for human rights."[226] Any changes based in respect for human rights, if exclusionary, will lead to uneven development within the community and ultimately hinder the community's ability to develop cohesively and uniformly. The emphasis the NGO places on *sustainable* development, meaning that the changes made within the program last without the influence of the NGO itself, directly refers to the structural changes, reimagining of power dynamics, and re-evaluation of norms in terms of their agreement with shared values that Tostan aims to achieve.

The Tostan model and methods, then, are best suited for addressing internal issues of marginalization and discrimination, especially based on gender differences, contained within an isolated community. Gender-based marginalization and discrimination can and should be addressed from a bottom-up community approach. These sorts of issues are

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[225] Cislaghi, 164.
[226] Cislaghi, 64; Ben Cislaghi, Diane Gillepsie, and Gerry Mackie, "Expanding the Aspirational Map: Interactive Learning and Human Rights in Tostan's Community Empowerment Program," in *Human Rights Education: Theory, Research, Praxis*, ed. M. Bajaj (Philadelphia: University of Pennsylvania Press, 2017), 251.

engrained within community life, and may not be receptive to outside pressure to change. When analyzing follow-up data from a Tostan program in rural Senegal, Cislaghi, Gillepsie, and Mackie (2016) found that programs were successful when they included community-wide abandonment of harmful practices in conjunction with a values-based education triggering a re-evaluation of community traditions and roles.[227] In this same vein, Tostan is not suited for addressing marginalization and discrimination along ethnic and religious cleavages, as these differences between groups of people often mean that they are not in the same community. Tostan's model is suited for tackling development issues and power dynamics internal to a community, and even more so for those communities that are relatively isolated from the norms and traditions of other area communities.

Isolated communities are, therefore, more likely to see change through Tostan's CEP model than those who are in constant contact with other communities. Isolation allows the HRE classes to challenge power dynamics and gender roles in a way that is constructive when there is total, or near-total, community support. This type of support would be highly unlikely in a context when the community is entrenched in a broader network based on the status quo norms and traditions. In part, this is why Tostan did not see widespread change regarding the practice of forced child marriages in Senegal. When addressing the relative lack of change in this practice, Cislaghi (2019) argued that a single community abandoning the tradition would put itself in a dangerous and isolated

[227] Cislaghi, Gillepsie, and Mackie, *Values Deliberation and Collective Action*, 3.

position.[228] The structure of marriage practices in the region is based in child marriages that send girls to live in new communities. In one CEP village, it was discovered that not one woman had grown up in the community, but every adult male had.[229] The lack of isolation within this tradition meant that the Tostan model was unable to create widespread change within the community when it comes to child marriage.

Tostan's theory of change, therefore, extends beyond the classroom. Participants in the HRE classes are obligated to share the information and perspectives they learn during the classes with family and friends who are not direct participants.[230] Tostan refers to this as "organized diffusion."[231] Though this stage of the CEP process does not need extensive explanation, it is key to Tostan's theory of change. Without active organized diffusion, the agreements class participants come to within the classroom are unlikely to create change in the broader community. For this reason, Tostan's methods of HRE and organized diffusion may lead to cross-community diffusion and development, as emphasis is placed on peer-to-peer learning and knowledge distribution with those that they come into contact with, regardless of frequency.

As a practical method to create change within its target communities, Tostan's CEPs utilize HRE courses to engage the community in unique ways. HREs are directly connected to the broader HRBA theory of change, as they are the mechanism by which Tostan is able to create these conditions for change. Though, by the nature of the CEPs,

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[228] Cislaghi, *Human Rights and Community-Led Development*, 202.
[229] Cislaghi, 125.
[230] Cislaghi, Gillepsie, and Mackie, "Expanding the Aspirational Map," 254.
[231] Cislaghi, Gillepsie, and Mackie, 254.

it becomes evident that Tostan's approach to development work, based in HRBAs, is better suited to address issues, values, and behaviors that are internal to a community than those that rely on intercommunal networks.

Success: Women's Engagement in Decision-Making Processes

Though not particular to any one implementation of the CEP, women's engagement in public decision-making processes exemplifies a success of Tostan's program and theory of change. Before implementing CEPs, women in the target communities were typically silent observers in community meetings. Throughout the program women became more empowered and more likely to speak in the HRE classes, in the home, and in political settings.[232] The HRE classes allowed women to perceive themselves in a new light. Women began to see themselves as individuals with the capacity to engage with and participate in dialogue at different community levels.[233] Changes in the way women perceived their public role within the classroom setting gradually led to changes within the family and community settings as well. These different settings indicate that the changes incited by the HRE classes and the CEP are not limited to the classroom, but also create changes within community relations in a more public way and within individual households and family life. Tostan's theory of change sees effects both within the public and private spheres, which contributes to total, widespread, and sustainable change.

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[232] Cislaghi, Gillepsie, and Mackie, *Values Deliberation and Collective Action*, 87.
[233] Cislaghi, *Human Rights and Community-Led Development*, 169.

Changes in gendered public roles can, in part, be attributed to a change in power dynamics within the community. Using Gaventa's construction of visible, hidden, and invisible power, it becomes clear that the HRE classes and broader use of HRBAs as a theory of change work to address hidden and invisible power structures. By challenging invisible power structures, or those that define meaning and acceptability within a hierarchical relationship, participants also began to challenge the stereotyped roles relegated to women within the community.[234] Women no longer simply accepted their silent position within community matters and the men participating in the HRE classes stopped explaining women's non-participation by attributing it to their "shyness."[235] Through the process of challenging these power dynamics, women in participating communities were able to "challenge traditional norms of silence and discover themselves as talkers and decision-makers."[236] Though Tostan's program created multiple significant changes, one of the key issues addressed is gender equality and reducing marginalization. These changes highlight a clear cause and effect relationship between the presence and implementation of Tostan's CEP and the reduction of inequality of representation within these communities.

Reaching the Limits of Success: Reducing Forced Child Marriage

Tostan's program also saw success in reducing the number of forced child marriages within the targeted communities. The CEP led to a reduction in forced child marriages in nearly 9,000 communities throughout West Africa since it was first

[234] Cislaghi, 174; Gaventa, "Finding the Spaces for Change," 29.
[235] Cislaghi, *Human Rights and Community-Led Development*, 193.
[236] Cislaghi, 175.

implemented in 1991.[237] However, within this relative success the limits of Tostan's theory of change and methodological approach to development are reached.

Tostan's approach is not necessarily invested in development outcomes in the same ways that other development organizations, especially those who do not focus on HRE as a method for change, are. Taking after Nussbaum's explanation of the capabilities approach, Tostan was not necessarily concerned with the decisions people ultimately make and their effects, as long as it is fully free and informed.[238] This means that the practices the community engages in do not necessarily have to change as a result of the CEP. The CEP and HRE classes do, however, encourage and obligate the community to reevaluate their practices in different (human rights) terms. In this way, the program can be transformative because it forces people and communities to question the coherence between their values, behaviors, consequences of their behaviors, and international human rights norms.

Tostan saw a reduction in forced child marriages after the CEPs were implemented. This reduction is tied to community buy-in of both the right to education and an overall sense of gender equality, which also applies to children. With an emphasis on the right to education, the community was able to reduce forced child marriages by keeping girls in school longer.[239] However, the practice of intercommunal child marriage itself did not end due to its reliance on other communities within the region. It was not possible to completely eradicate forced child marriages in most of the communities

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[237] Tostan, "Annual Report 2018," 7.
[238] Cislaghi, *Human Rights and Community-Led Development*, 189; Nussbaum, *Creating Capabilities*, 18.
[239] Cislaghi, Gillepsie, and Mackie, *Values Deliberation and Collective Action*, 126.

targeted by Tostan's program, as these marriages were almost always across communities. If it were possible to engage all involved communities in the CEP simultaneously, it would be more feasible to reduce the number of forced child marriages, as all communities would work to keep their children in school longer with the guidance of the right to education.

If communities believe in the right to education, they must re-evaluate the practices that potentially pose a threat to the fulfillment of this right. In the case of forced child marriages, there is a distinct discrepancy between a girl's ability to stay in school and to be uprooted, transported to a new community, and fulfilling the role of a wife. The new rights-based community values established through the HRE classes and CEP "allowed the [community] to consider abandonment of that practice as they imagined new practices in line with the new framework."[240]

A key limitation to HRBAs as a theory of change and approach to development, is that they may fall short of changing the political structures that have solidified the current rights-inconsistent behaviors. In the case of forced child marriages, while the Tostan model for development has reduced the number of child marriages from the target communities, it has not created a significant and widespread movement to abandon the tradition throughout the region. However, within HRBAs it is important to celebrate the small victories – a reduction of forced child marriage may continue to spread in the aftermath of Tostan's CEP if communities continue practicing organized diffusion outside of their obligations for the program. In this case, there is no clear causal

[240] Cislaghi, Gillepsie, and Mackie, 87.

relationship between Tostan's CEP and a regional reduction of forced child marriages, especially within a short timeline. Yet, the hope is that a culture of reevaluating practices, traditions, and norms within a human rights perspective will lead to sustained momentum for change.

Conclusion

As a matter of organizational policy, the NGO Tostan works towards development with an emphasis on incorporating human rights and relying on community autonomy and ownership of the process. Guided by HRBAs, Tostan emphasizes that inequality will almost always hinder development and community wellbeing. Though an emphasis on inclusive institutions as a key pathway to development is not exclusive to Tostan or even HRBAs more generally, Tostan's HRE classes brought the discussion out of the institutional level, and to the communities and individuals themselves. Throughout the program, participants learned that gender, age, race, and religion are unacceptable bases for discrimination and exclusion.[241] In terms of decision-making within the community, participants also began to understand that, if they accept that if all people universally have human rights, then they also have the right to be part of the decision-making processes that affect their lives.[242] Based in a newfound sense of equality among all members of the community, those targeted by Tostan saw positive changes and development as a result of the HRE classes and the CEP.

[241] Cislaghi, *Human Rights and Community-Led Development*, 199.
[242] Cislaghi, 199.

Tostan claims to have incited significant changes in the communities that they have worked with. With the organization's theory of change, guided by HRBAs, most targeted communities saw increased individual and communal agency.[243] Individuals, especially women, felt more empowered to participate in political and economic institutions within their community. As a result of this increased participation, local norms and policies have shifted to become more consistent with human rights and the community's values. The organization has reduced forced child marriage, empowered women and girls, improved literacy, prevented and treated malaria, promoted grassroots democracy, enhanced local economic opportunities, and increasing female leadership within community and local government.[244] It becomes apparent that Tostan's use of HRBAs at the core of its theory of change has created significant and sustainable change in the social relationships within these communities throughout West Africa.

[243] Cislaghi, Gillepsie, and Mackie, *Values Deliberation and Collective Action*, 2.
[244] Tostan, "Annual Report 2018," 7; Cislaghi, Gillepsie, and Mackie, *Values Deliberation and Collective Action,* 137.

Chapter 6: Oxfam America

HRBAs are not only used in smaller or regional NGO's development programming. The theory of change is also implemented in other organizations with a different scope and reach. Even though the organizations both use HRBAs as the theory of change in their development programming, the mechanisms implemented can look very different. Oxfam America has used HRBAs as a theory of change in some of its programming and has seen significant development outcomes within the programs that use this approach to development.

Oxfam International is often cited in the literature on HRBAs as an early and frequent adopter of HRBAs, meaning that they were among the first organizations to adopt the approach throughout many of their programs. Since the ideological and practical convergence between human rights advocacy and development work in the 1990s, Oxfam has adapted its organizational stance and programmatic themes to utilize this vision of incorporating human rights into development programming. Though the organization was originally founded in 1942 in response to the Greek refugee crisis, its scope, mission, and vision has shifted to reflect the changing international environment.[245] As the Greek refugee crisis of the 1940s improved, the organization moved towards a more holistic approach of aid, focusing on international development.[246]

The organizational structure of Oxfam International entails that there are regional and country offices that adhere to a broader Oxfam International policy but also construct

[245] Oxfam International, "Oxfam's History," Oxfam America, accessed January 22, 2020, https://www.oxfamamerica.org/about/our-history/.
[246] Oxfam International.

their own policies, visions, and aims for the organization. This chapter is focusing solely on the work of Oxfam America, based in Boston, Massachusetts (hereafter Oxfam). The vision of Oxfam places emphasis on freedom and security from "hunger, deprivation, and oppression."[247] Within Oxfam's vision statement, it is clear that achieving this freedom and security will come from creating a "global movement for economic and social justice," with the aim of ensuring that "every individual is assured of a sustainable livelihood… education and health (access to basic services); life and security (when conflict or natural disasters strike); a right to be heard… and a right to equality."[248] Though the vision and aims of Oxfam focus on these ideals, they do not mention human rights or development. Rather, the organization works towards development as an anticipated result of ensuring human security measures.

In other contexts, though, Oxfam is still engaged with the discourse on development and what it entails. The organization uses "poverty" to signify the economic disparities as well as defining it as a symptom of dep-rooted and systemic inequality.[249] Again, while development is often thought of in economic terms, with this new organizational focus established in 2000, Oxfam has made it clear that claiming rights can be used as a clear and powerful way to constitute real change and a

[247] Jude Rand and Gabrielle Watson, *Rights-Based Approaches: Learning Project* (Boston, MA: Oxfam America, 2007), 5.
[248] Rand and Watson, 5.
[249] Duncan Green, *From Poverty to Power: How Active Citizens and Effective States Can Change the World* (Oxford, UK: Practical Action Publishing Ltd in association with Oxfam GB, 2012), 24.

redistribution of power from the state to its citizens.[250] During this significant transition, Oxfam adopted a human rights-based approach to development programming.

Oxfam is one of the largest and most influential organizations that has adopted HRBAs in its development programming. With a framework emphasizing the role of equality as a necessary condition for development, the organization works towards a more holistic definition of development rather than solely relying on GDP and a development-as-growth model.[251] Equality, here, refers to the power dynamic experienced in people's daily lives that influences how they interact and what they are able to do. Emphasizing equality throughout the process of organizational shift and the new framework for development work, it became clear that "the Oxfam approach to development and humanitarian response was fundamentally anchored in a rights-based perspective, with a particular focus on social, economic, and cultural rights."[252] The focus on using rights to inform Oxfam's development work actually led many members of the Oxfam staff to believe that rights had always been at the core of their development work.[253]

In a joint project with CARE (RBA Learning Project), Oxfam's framework for HRBAs is explicitly stated. The joint project states that

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[250] Oxfam International, "The Power of People Against Poverty: Oxfam Strategic Plan, 2013-2019" (Oxford, UK: Oxfam International, 2013), 9, https://www-cdn.oxfam.org/s3fs-public/file_attachments/story/oxfam-strategic-plan-2013-2019_0.pdf; Raymond C. Offenheiser and Susan Holcombe, "Challenges and Opportunities of Implementing a Rights-Based Approach to Development: An Oxfam America Perspective," *Nonprofit and Voluntary Sector Quarterly* 32, no. 2 (June 2003): 269.
[251] Oxfam International, "Evaluation of the Oxfam Strategic Plan 2013–2019: Where Oxfam Is Adding Value (or Not)" (Oxford, UK: Oxfam International, July 2019), 41.
[252] Offenheiser and Holcombe, "Challenges and Opportunities of Impmlementing a Rights-Based Approach to Development," 269.
[253] Offenheiser and Holcombe, 269.

> Oxfam believes that human beings' inherent dignity entitles them to a core set of rights that cannot be given or taken away; it works to empower communities and individuals to know and claim their rights, it identifies those responsible – legally or morally – for respecting, protecting, and fulfilling people's rights, and holds them accountable for their responsibilities; and it recognizes the multi-level nature of rights obligations and violations, and the need to address them systematically and strategically.[254]

Within this framework, two key features become clear. Oxfam's framework for HRBAs as a theory of change echoes the value added to development work by incorporating human rights and their corresponding mechanisms.

The framework first reaffirms the universality of human rights, but also emphasizes the need for individuals and communities to know how and have the capacity to make rights claims. This aspect of the framework leads to the idea that development projects should focus on creating the capacity for rights claims and encouraging them to be acted upon.

Second, Oxfam's HRBA framework echoes the clear allocation of duty to the state and the need for accountability measures to ensure that these duties are fulfilled. With the multilayer nature of rights and rights violations, accountability measures must then be taken into account at different levels: internal to the state, state to state, non-state actors to the state, etc. With such an ambitious framework, Oxfam has employed HRBAs in numerous projects, often in partnership with other smaller and more regionally oriented organizations.

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[254] Rand and Watson, *Rights-Based Approaches*, 5.

Oxfam's Theory of Change

Unlike Tostan, Oxfam does not have one coherent theory of change across the organization. Rather, they opt to forge an individualized theory of change for each program. Across program reports and evaluations, Oxfam acknowledges that there is not even a coherent way to describe the theory of change, with some using statements of high-level principles, some using causal flowcharts, and others using detailed log frames.[255] The inconsistency within the organization, when it comes to the ways that a program's theory of change is presented, points to further inconsistencies between the content in each case. Despite this inconsistency, common themes emerge between the theories of change enacted within Oxfam's development programs.

In accordance with the vision, aims, and framework of the organization, even though there is no one coherent theory of change across programs, they all emphasize the role of active citizens and their relationship with effective and accountable states.[256] Most often, this theory of change was equated to the empowerment approach to development.[257] Yet, in conjunction with the broader organizational framework, it is clear that while emphasis is placed on empowerment in these cases, it is still highly dependent on the role of human rights in the development process.

Oxfam's theory of change is based in the interactions between active citizens and effective states. Rather than engaging with the traditional roles of rights-holders and duty-bearers in human rights discourse, Oxfam works with the concept of active

[255] Oxfam International, "Evaluation OSP," 14.
[256] Oxfam International, "The Power of People Against Poverty," 10.
[257] Oxfam International, "Evaluation OSP," 14.

citizenship.[258] Active citizenship, as defined by Oxfam, is not merely the presence of periodic elections, but is measured by progress brought by meaningful engagement with state politics and the level to which citizens assume responsibility for the public domain.[259] As part of the emphasis on progress, Oxfam also places emphasis on knowledge, abilities, and capacities. Knowledge is understood to be a "fundamental component in [Oxfam's] theory of change" and is fundamental to achieving the organization's objectives.[260] Here, it is made clear that even though Oxfam may advocate for democratic policies and procedures in their work, they perceive themselves as advocating for development rather than democracy itself. Through its emphasis on active citizenship, Oxfam aims to improve people's lives by giving them the power to demand basic rights, systematically combat inequality, and create solutions together.[261] Though, all of this work to engage active citizens is not effective unless the state is receptive to these claims and actions.

As a second step within this broad theory of change, Oxfam uses active citizenship as they key tool to achieve effective states, or "states that guarantee security and the rule of law, design and implement an effective strategy to ensure inclusive economic growth, and are accountable to and able to guarantee the rights of their citizens."[262] The categorization of effective states, then, not only addresses the state's ability to enact its policies, but is also intertwined with a normative approach to

[258] Oxfam International, 33.
[259] Green, *From Poverty to Power*, 11, 18.
[260] Oxfam International, "Evaluation OSP," 61.
[261] Oxfam International, "The Power of People Against Poverty," 5.
[262] Green, *From Poverty to Power*, 18.

government that ensures that policies are created and implemented with the citizens' in mind. With this interpretation of HRBAs in terms of active citizens and effective states, development can also be thought of as a new social contract between the state and the citizen, in which both parties are subject to rights and obligations that further equality and economic wellbeing within the state.[263] This distinction allows the organization to work in different political contexts, while limiting backlash from threatened national governments and maintaining integrity and the ability to push for recognition of citizens' rights.

Oxfam arguably engages HRBAs while discussing them in terms of active citizenship and effective states, rather than human rights holders and duty-bearers. This work allows the organization to challenge existing power structures that is not necessarily addressed in other conceptualizations of development programming. With a focus on active citizenship *and* equality, the organization "inherently implies [that it is] confronting and rebalancing power."[264] Oxfam sees the role of human rights within their development work as a framework allowing the organization to approach development from multiple perspectives, clarifying power relations that drive the structures that perpetuate poverty.[265] Therefore, the use of human rights within development programming, in the context of the Oxfam organization, adds value to the development

[263] Green, 23.
[264] Oxfam International, "Evaluation OSP," 35.
[265] Offenheiser and Holcombe, "Challenges and Opportunities of Impmlementing a Rights-Based Approach to Development," 285.

work in terms of their ability to engage with perspectives outside of the traditional development discourse.

Specifically working towards this rebalancing of power, Oxfam argues that citizens must be capable and willing to make rights claims against the state. Again, by being outside of the rights-holder and duty-bearer relationship, NGOs like Oxfam are more likely than national governments to adopt HRBAs and advocate for this kind of grassroots advocacy. To achieve this goal of increasing rights claims, Oxfam works with civil society organizations to lift restrictive laws limiting civil and political rights, engage with and strengthen the civil society organization, and increase organizational power.[266] Oxfam's role within the development process, then, is to enable transformational change, open a political space for engagement between individuals or civil society and the state, build capacity, share technical expertise, and raise funds and public support.[267] Note that Oxfam's role does not include on-the-ground programming. Oxfam, rather, engages with other organizations to change community-level norms.[268]

Oxfam's theory of change, overall, largely reflects the theory of change broadly outlined in the literature on HRBAs. Oxfam, based on these models, adopts a role of a donor and organizer rather than a development practitioner organization. Yet, the organization still claims ownership of the programs they fund, but outsource to local NGOs for on-the-ground implementation.

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[266] Oxfam International, "The Power of People Against Poverty," 14.
[267] Oxfam International, 11.
[268] Oxfam International, "Evaluation OSP," 83.

Make Trade Fair Campaign: Ethiopia

Oxfam, itself, does not implement HRBAs in its development programs. The organization does, however, partner with smaller and more regionally oriented organizations to fund and support their rights-based development initiatives. The role of international NGOs in community development schemes is somewhat removed from the implementation of the project itself. Rather than participating in direct provision of goods or services, "international NGOs can play a valuable role on behalf of their national partners in contexts where national partners do not have the political space to advocate for rights."[269] Oxfam's role, in these cases, is to act as a buffer between local NGOs and the state, creating a space for political discourse that would otherwise be seen as criticisms of the state and produce negative sanctions against the local NGOs and its employees.

I argue that this outsourcing to regional organizations is a limitation on *Oxfam's* ability to effectively implement HRBAs in their development programming, but a characteristic of the programs that support an overarching success. Put differently, the programs framed by HRBAs are themselves successful, but the fact that Oxfam is only supplying resources and support to local NGOs that are otherwise attempting these projects does not implicate Oxfam's ability to implement these programs. While paying lip-service to HRBAs, it is unclear if large INGOs are suitable agents to employ these approaches to development, or if this approach only works when implemented by small and regional NGOs.

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[269] Rand and Watson, *Rights-Based Approaches*, 24.

In a joint report from Oxfam America and CARE, of the eight cases examined four were from Oxfam.[270] Of the four Oxfam programs, only two were considered to have implemented HRBAs, yet both the program in Ethiopia (Ethiopia Coffee Campaign) and Guatemala (Overcoming Racism) partnered with local and regional-specific NGOs to implement the programs on the ground.[271] In the process of preparing this joint report, Oxfam identified its own programs that used HRBAs as a theory of change. However, due to the partnerships with local NGOs, it is questionable whether HRBAs can be effective in a case without local involvement and implementation.

Regardless, it is still important to examine and understand the successes and limitation of programs facilitated by Oxfam that employ HRBAs as a theory of change. Oxfam is clear that RBAs have eight essential elements that secure this classification: the program conducts a thorough analysis of underlying causes of poverty, especially a power analysis; is based in community-centered development; engages duty-bearers and holds them accountable; entails "advocacy for sustainable change in policy and practice;" emphasizes alliance building; works at multiple levels including local and national; focuses on the most marginalized groups; and addresses problems framed as either domestic or international rights issues.[272] This definition is largely based on procedural aspects of the development programs, which facilitates the distinction between rights-based development and traditional development approaches in the absence of clear outcomes of the program.

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[270] Rand and Watson, 11–12.
[271] Rand and Watson, 91, 101.
[272] Rand and Watson, 15.

With these eight parameters in mind, the Ethiopia Coffee Campaign is considered as one of Oxfam's programs that is most aligned with HRBAs.[273] Even though these are considered to be development projects *most aligned* with the objectives and procedures fundamental to HRBAs, they are still not fully based in a human rights-based approach. This, I believe, is due to the fact that development is still largely considered as an economic endeavor to be approached to technical measures.

Oxfam's work with the Ethiopia Coffee Campaign was described as the organization's program that is the most aligned with HRBAs. As part of the broader *Make Trade Fair Coffee Campaign*, launched in 2002 by the international organization of Oxfam, Oxfam America has been working with coffee farmer cooperatives in Ethiopia. The project's main objective is to "improve the livelihood and well-being of farmers through a two-tiered approach of supporting farmers' cooperative associations and changing national policies that have kept small producers from receiving a fair price for their coffee."[274] Though this program was identified as employing HRBAs, it is not explicitly clear in the program's purpose statement. The program's involvement with HRBAs, does however, become clear within the context and formulation of the strategy for change.

It became glaringly important to introduce the *Make Trade Fair Coffee Campaign* in Ethiopia in 2002, as it was greatly impacted by the international coffee crisis. About 25% of the country's population depends on coffee production for their livelihood,

[273] Rand and Watson, 15.
[274] Rand and Watson, 42.

making coffee the country's biggest export constituting 60% of the country's export earnings at the time.[275] However, when the international coffee crisis impacted Ethiopia, it hit individual farmers much harder than large corporations because, much like the 75% of the world's coffee that comes from small farms, 98% of Ethiopian coffee comes from small farms.[276] At this time, the coffee crisis spurred an economic crisis throughout Ethiopia.

The economic crisis, which resulted from the instability of the international coffee market, created economic disadvantages that then spread into other areas of life. Most of the Ethiopian coffee farmers were making only US $1/day, which did not cover the cost of production.[277] At this point, people were losing money in the process of economic participation. Additionally, farmers and farmer cooperatives[278] were unable keep up with the volatile price of coffee beans in the global market. As a result, farmers tended to overproduce to buffer themselves from falling prices, which only exacerbated the problem.[279] With the increasing volatility of the international coffee market, Oxfam entered the arena to facilitate localized solutions to this problem.

Oxfam International (not only Oxfam America) implemented the *Make Trade Fair Campaign* to combat the injustices small farmers faced in this volatile market. The trade campaign works to "unite concerned citizens around the world in calling for fair

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[275] Rand and Watson, 43.
[276] Rand and Watson, 43; Oxfam International, "Grounds for Change," April 2006, 3, https://www.oxfam.de/system/files/20060405_groundsforchange_308kb.pdf.
[277] Rand and Watson, *Rights-Based Approaches*, 43.
[278] These cooperatives function as unions between small-scale coffee farmers and help farmers sell their beans at fair international price points.
[279] Rand and Watson, *Rights-Based Approaches*, 44.

trade policies that will help move millions of people out of poverty."[280] With an emphasis on protecting the marginalized and those who are disadvantaged by the skewed markets, Oxfam linked the campaign to Article 11 of the International Covenant on Economic, Social, and Cultural Rights, fundamentally basing this work in a rights-based approach to development.[281] With an emphasis on standards of living, Article 11 further states that programs were to be developed to "improve the methods of production, conservation and distribution of food," arguably also encouraging states to improve compensation for those who grow food.[282] Therefore, even though this campaign addresses economics, which is characteristic of traditional approaches to development, it is also grounded in human rights, which in turn makes the campaign a form of HRBAs.

The specific strategy, or mechanisms of change, employed in this campaign are two-fold. In Ethiopia, the campaign works to "lobby the government to allow small farmers to sell directly to the international market" and "strengthen capacity of cooperatives in terms of management and production."[283] These mechanisms of change directly relate to Oxfam's theory of change and its reliance on active citizens and effective states, as previously described. The campaign in Ethiopia is designed to benefit small farmers in the country, but to target the government for increased responsibility and

[280] Jennifer Wilder and Kevin Pepper, eds., "Oxfam Exchange," *Oxfam Exchange* 1, no. 3 (Spring 2002): 3.
[281] Wilder and Pepper, 3; Rand and Watson, *Rights-Based Approaches*, 46.
[282] "OHCHR | International Covenant on Economic, Social and Cultural Rights," accessed February 13, 2020, https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx.
[283] Rand and Watson, *Rights-Based Approaches*, 47.

policy changes.[284] By providing funding and organizational support, Oxfam works to increase active citizenship in the citizen-state relationship.

Oxfam's role in this campaign, though is not primary. By working with previously established cooperatives, Oxfam's role relies more on providing funding, building local capacity, and an organizational framework to the lobbying and advocacy throughout Ethiopia. Oxfam invested significant resources into the campaign, helped build small farmers' capacity, including expanding the use of mobile phones, their knowledge of basic accounting, and increasing access the internet to allow them to check international coffee prices and sell at competitive rates.[285] Overall, Oxfam served as an intermediary between coffee cooperatives and the government. It was also important, however, to stress that even though Oxfam provided support to the cooperatives, allowing them to buy small farmers' coffee rather than relying on the state to do so, the overall objective of this relationship is to "build alliances with partners to influence and encourage the government to address the consequences of the coffee crisis on poor farmers and the nation as a whole."[286] In this sense, Oxfam served as a buffer between the government decisions and their impacts on individual farmers while policy change was negotiated.

This campaign, also in alignment with a key theme from Oxfam's theory of change, simultaneously works at community, national, and international levels. Oxfam uses the experiences of Ethiopian coffee farmers to "illustrate the greater problems of

[284] Rand and Watson, 47.
[285] Rand and Watson, 50.
[286] Rand and Watson, 24.

unfair global trade policies."[287] The ability to take an issue at a community level, and scale it up to represent an international crisis, points towards the fundamental role of universality of human rights in the solution to the problem. If the problem itself can be interpreted at multiple levels, so should the solution. The international campaign, in turn, has also brought additional attention to the Ethiopia-specific campaign.[288] This mutually beneficial relationship between the community and the international, strengthened by Oxfam's campaign, is directly linked to Oxfam's overarching theory of change in development programming.

Overall, the Ethiopia Coffee Campaign is considered a successful implementation of HRBAs for outcomes related to traditional development initiatives. Due to the efforts of Oxfam to strengthen the cooperatives' capacity and engage with the government for policy change, the campaign has allowed farmers to sell their coffee at competitive prices in the international market. The annual dividends, given to each small farmer, increased exponentially over the first 2 years that the campaign was in place.[289] The cooperatives themselves also saw an increase in organizational capacity and an increase in purchasing power, which in turn has stabilized prices for farmers.[290] These outcomes, related to selling coffee at competitive prices, are not in themselves specific to a rights-based approach. They are typical of traditional development approaches that emphasize "getting the prices right" as a key factor in development initiatives.

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[287] Rand and Watson, 25.
[288] Rand and Watson, 25.
[289] Rand and Watson, 51.
[290] Rand and Watson, 51.

On the other hand, the Ethiopia Coffee Campaign has also led to outcomes that are more directly related to human rights and would not necessarily be incorporated in a traditional approach to development. At the national level, due to Oxfam's advocacy involvement in the campaign, the government has addressed policies to make them more favorable for farmers and cooperatives.[291] Though there were clear economic advantages stemming from the campaign, it is also important to emphasize that the outcomes of the campaign were more than just economic in nature. The campaign was actually able to influence the government to reevaluate the existing policies that systematically disadvantaged Ethiopian coffee farmers.

Overall, the campaign constituted a rights-based approach because the government was held accountable for its policies through action and advocacy based in freedoms, such as the freedom of association required for the cooperatives to establish financial relations.[292] Additionally, once the cooperatives were able to engage with financial relations, they also took some of the increased revenues and applied them to community development projects like establishing community health centers and community schools.[293] Even the cascading effects stemming from the direct outcomes of the campaign addressed issues that are protected by human rights, such as a right to health and a right to education.

Despite these positive outcomes, there were clear limitations to the program, as well as Oxfam's use of HRBAs as a whole. Bolstering the capacity of cooperatives and

[291] Rand and Watson, 51.
[292] Rand and Watson, 52.
[293] Rand and Watson, 51.

farmers' unions in Ethiopia, while effective for some problems, did not address others. For example, even after the campaign was implemented, there was still a great gender disparity in the farmers' ability to engage with price negotiation and making sure they were getting fair prices. This disparity was not addressed, especially because Oxfam worked exclusively with cooperatives, which few women join or are encouraged to join. Therefore, it is reasonable to assume that female coffee farmers, who are selling to private buyers rather than the cooperatives, receive lower prices as a consequence.[294] However, Oxfam has been transparent in this regard and has publicly acknowledged that the campaign did not reach members of the community who are not engaged with the farmers' unions and cooperatives. The organization further acknowledges that the campaign doesn't reach women as a group in particular.[295] So, while the campaign in itself is based in the right to a sustainable livelihood, active citizens, and effective states, it does not necessarily engage with the idea of inclusivity which is a fundamental part of what constitutes HRBAs.

Oxfam, as an organization, has also seen limitations in their ability to implement HRBAs in development programs. First, they see that some of these programs have unintended outcomes. These unintended outcomes, however, are not entirely limited to negative effects of the program. Rather, this includes unanticipated wins, negative effects, and backlash (reversals and further worsening of the current situation).[296] Due to the variety of outcomes from Oxfam's projects that employ HRBAs, it is unclear if the

[294] Rand and Watson, 46.
[295] Rand and Watson, 53.
[296] Oxfam International, "Evaluation OSP," 80.

organization has found or established a theory of change that can be applied to limit the negative outcomes.

Oxfam's programs also engage with a relatively short timeframe, which may not be conducive to evaluating the outcomes of HRBAs. Programs that work towards systemic changes based in protection of and respect for human rights are going to take longer to see the true outcome than traditional projects where effectiveness is measured by economic changes. With the realities of too few resources and too short time-frames, Oxfam "struggles to match its large, programmatic ambitions" with what they are able to accomplish within a program or campaign.[297] This disconnect between ambition and institutional constraints may also be attributed to the lack of an organization-wide theory of change. Without one, Oxfam is left "at a point that their work is only a 'sum of its parts' and not an agent of transformational change."[298] While attempting to engage with HRBAs, it is unclear if Oxfam's institutional framework has also changed to reflect this move, or if they are trying to fit a square peg in a round hole.

Conclusion

Oxfam has engaged with HRBAs on a very public level. Identified as one of the most influential NGOs using HRBAs and an early adopter in the literature, it is important to understand how the organization is engaging with the approach. Throughout this chapter, I have explained Oxfam's organizational background and the shift that has occurred in order for the organization to focus on rights-based approaches to

[297] Oxfam International, 13.
[298] Oxfam International, 17.

development, the broad strokes of the organization's theory of change, and an example of a program implemented with this framework.

The *Make Trade Fair Campaign,* in particular, addresses both the traditional economic goals of development work and how the status of economic stability within a state impacts the lived experiences of small business owners and small farmers within Ethiopia. The campaign further engages with HRBAs by citing human rights covenants and legal documents as a justification for their claims and actions. This kind of explicit reference to human rights within the program justification and theory of change strengthens the argument that Oxfam utilizes HRBAs as a theory of change.

Oxfam engages with HRBAs as a way to ensure active citizenship and effective states remain central in their development programs. The organization, while it does not have a theory of change that is consistent throughout all programs, does emphasize certain themes across their work. While engaging with regionally focused organizations, Oxfam addresses active citizenship by emphasizing the role of participatory and emancipatory practices in development programs. This emphasis is directly related to the fundamental characteristics of HRBAs, as it reorients projects to focus on the individuals and communities, their role in implementation, and the impact outcomes have on their wellbeing. Oxfam also emphasizes the role of state accountability, which a specific value added to development projects by incorporating human rights. With mechanisms to ensure accountability, it becomes easier for INGOs and regional NGOs to advocate for policies that positively affect the wellbeing of citizens while engaging with a discourse with a legal recourse for failing to comply.

Chapter 7: HRBAs as a Theory of Change: Incorporating Use from Tostan and Oxfam

I have described a theory of change for both Tostan and Oxfam, referring to the way the organizations mobilize their resources to promote development. This chapter aims to provide a synthesis of how HRBAs are used as a theory of change throughout the development literature and in practice from the case studies of Tostan and Oxfam. Ultimately, I argue that HRBAs are better understood as a theory of change than a development paradigm, which would imply that the approach fundamentally shifts the framework and how development is defined. Rather, HRBAs are a theory of change, both in theory and practice, because it influences the type of intervention implemented and is often used as a justification for why a program is likely to produce its intended consequences.

A theory of change does not inform or change how practitioners define development, but it does define the methods and actions that they will use within development programming. In general, a theory of change is simply "how and why a given intervention is going to work."[299] Theories of change are considered a specific type of logical framework, in which processes of strategic planning, communication, accountability, and learning are clearly explained in a way that provides a step-by-step framework for programming.[300] A theory of change, then, has more explanatory and prescriptive power than a development paradigm because it provides a clear pathway for

[299] Valters, "Theories of Change," 5.
[300] Valters, 5.

programs to implement programs from a specific perspective. All development programs have a theory of change, whether it is clearly explained or implicit within the project's goals and actions.

In the case of identifying HRBAs as a theory of change, the development programming identifies human rights protections and promotion as a motivation and causal mechanism for development outcomes. HRBAs do not define what development *means*, but rather defines a pathway for how development programming can be pursued. I emphasize the importance of HBRAs as a theory of change over a development framework because it represents only one pathway to development.

However, the literature on HBRAs is conflicted regarding its positioning within development programming as either a characteristic of the structure or a causal mechanism. Throughout the literature, HRBAs are discussed both a development framework and a theory of change. However, HRBAs fulfill a different purpose depending on which way they are discussed. As a development framework, the widespread adoption of HRBAs throughout development and human rights NGOs has changed what development *means*. There are two key aspects that support the definition of HRBAs as a framework for defining development. First, this type of approach to development puts more power with the communities within developing communities, rather than outside organizations. Second, there is a shift in the meaning of development and the practices development practitioners need to perform.

While the literature on HRBAs does not clearly argue whether it constitutes a way of defining development or theory of change, I argue that this approach to development

has more explanatory power as a theory of change. If HRBAs defined the goals of development, it would indicate a shared understanding of the expected outcomes of development; in this case, that countries will see economic and micro-level improvement resulting from ensuring human rights protections. Theories of change focus more on the specific methods used to achieve these goals. A main difference, though, is that a theory of change does not have to be shared with those outside of the specific development program employing it. Part of the confusion in the literature regarding whether HRBAs defines development goals or is a theory of change may be attributed to the fact that most theories of change are not explicitly stated within development programs.

The literature, however, also discusses HRBAs as a type of theory of change in development practice. Within the literature on HRBAs, many scholars who did not imply that HRBAs are a framework to define development in which they make significant changes to the conceptualization of development discussed HRBAs as an implicit theory of change. In this sense, HRBAs provide a specific way of going about development practice and programming that outlines the processes and causal mechanisms involved in positive development outcomes.

HRBAs, as a theory of change, identify an alternative approach to securing both sustainable human rights protections and sustainable development. One way to understand HRBAs is that they utilize human rights as the *motivation* for inclusive development.[301] While the motivation for development may not always be relevant to the outcomes, in this case, it will inform the types of programs implemented because it

[301] Onazi, *Human Rights from Community: A Rights-Based Approach to Development*, 124.

expands the skillset and tools available to development practitioners. HRBAs are not intended to replace the service delivery. Within this approach to development, it is argued that neither the state nor NGOs should provide all of the necessary public goods.[302] Therefore, service delivery efforts, which are typical of development work should be considered in conjunction with HRBAs because good governance and order, which are fundamental to the development process, are also necessary for rights to be fulfilled.[303] From this point of view, the goal of HRBAs is to identify a pathway that countries can follow to ensure both human rights protections and sustainable, ongoing development.[304]

As a theory of change, HRBAs use human rights as a means to advance development, while retaining that they are an end in themselves. HRBAs should not be understood as a claim that promoting human rights-consistent practices will always lead to development either. Implementing HRBAs as a theory of change emphasizes their power to hold states accountable for their actions, emphasizes the role of individuals and communities, and addresses practices that hinder citizens' ability to engage in political and economic practices. Case studies from Tostan and Oxfam support this claim, that human rights are useful as a means to development and a valuable end in themselves, by incorporating the approach in development programs that also emphasize the role of active and engaged participation and receptive states.

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[302] Gready and Vandenhole, "What Are We Trying to Change?," 6.
[303] Chapman et al., "Rights-Based Development," 180.
[304] OECD, "Perspectives on Global Development," 14.

Exploration of how these two organizations use HRBAs also demonstrates that the approach can be used in drastically different development programs, in terms of the organization's size, the scope of the development program, and who the programs target. Tostan uses human rights education as a mechanism of change, while Oxfam grounds their solutions in internationally recognized human rights law, conventions, and documents but still addresses many of the problems addressed in traditional development work, such as economic growth. The difference between these approaches, while still under the umbrella of HRBAs, is indicative of the approach constituting a theory of change, as the diverse programming would not be possible if HRBAs changed our understanding of what development is and does.

Even though the actions taken in these different organizations under the umbrella of HRBAs are different, there are clear thematic consistencies across organizations and throughout the literature. These themes include a focus on facilitating the process of citizens adopting a more active role, emphasizing empowerment, increasing participation, and using a local framework to challenge existing power structures that reify the hierarchies within the existing structures. These themes have been explained both in the context of Tostan's and Oxfam's theories of change implemented in their development programs.

However, the use of HRBAs as a theory of change has not been entirely clear in the publicly available documentation of the development work. Explicitly stating the theory of change used in each programmatic context, and across an organization as a whole, could create a common point of view from which organizational activity can be

viewed, coordinated, and reformed.[305] Coherence within a development organization could also lead to a more effective collaborations across organizations because they would not have to establish the theory of change to be used in each case. Yet, rather than being explicit, theories of change are often considered as a "taken-for-granted conventional wisdom" that informs decision-making in development programming.[306] A theory of change can be specific to one project and hyper-contextualized, or among many with the same general background and mechanisms for change.

HRBAs create a theory of change that relies on the political power of human rights to create changes in the unequal power structures in underdeveloped areas that limit people's vertical mobility. Gaventa argues that power dynamics influence the inclusivity and the way individuals are able to participate in the political sphere.[307] In the absence of a shift within unequal power structures, there are systematic barriers that prohibit the effective participation of the most marginalized in society. Without the ability to participate, individuals are not able to advocate for increased access to resources, markets, or benefits of development. A human rights approach to the question of unequal power addresses not only the visible effects of the power dynamic, but also the invisible and internalized forms of power that prevent the marginalized from questioning power dynamics in the first place.[308] Put simply, the theory of change

[305] Gready and Vandenhole, "What Are We Trying to Change?," 1.
[306] Gready and Vandenhole, 1.
[307] Gaventa, "Finding the Spaces for Change," 29.
[308] Gaventa, 30.

implied in any HRBA based in invoking human rights to change the power structures and the system in a way that will also facilitate development.

As a theory of change, HRBAs engage with a changing power dynamic to build capacity and livelihoods while emphasizing direct advocacy within civil society. Tostan does this through their human rights education programs, while Oxfam does this by empowering individuals and communities to make rights claims to the state to hold the state accountable and create effective policy.[309] Though the mechanisms and concrete actions taken are different, the goal is ultimately the same: to empower individuals to create positive change within their community. This advocacy is aimed at "removing the governance and institutional injustices that produce inequity, marginalization, and denial of rights" in cases when selective enforcement and structurally unequal policy has created these disparities.[310] A human rights-based approach, focused on active citizenship and empowerment, provides a clearer pathway for change than a more traditional approach focused on economic growth.

As an aspect addressed by HRBAs, legal empowerment also enhances civil society participation. Legal empowerment is differentiated from general empowerment practices. Empowerment in itself "represents a change in power relations," whereas legal empowerment refers to an individual's or community's ability to effectively employ the

[309] Cislaghi, *Human Rights and Community-Led Development*, 215; Oxfam International, "The Power of People Against Poverty," 14.
[310] Chapman et al., "Rights-Based Development," 169.

legal system to their benefit.[311] In the context of HRBAs, changing power relations mean that marginalized individuals gain the ability to act within the same political, economic, and social spheres as those who are not in the same socio-economic strata. These spheres include markets, civil society groups, or access to the law, depending on the cumulative effects of marginalization and previous exclusion from accessing resources. Yet, legal empowerment not only entails that individuals have access to legal institutions, but that this newfound access has been ensured through reforming moral and legal norms.[312] One facet of the theory of change in HRBAs, then, is that "legal empowerment contributes to societal and *systemic* change, and this change will help reduce (if not eradicate) poverty."[313] As an example of a mechanism of change within the broader theory of change, legal empowerment creates a clear example of how changing power structures and dynamics through the invocation of rights can lead to effective development outcomes.

In this sense, HRBAs are largely based in the possibility of transforming power structures, rather than treating the negative symptoms of an underlying structural problem. The utility of HRBAs depends on the ways they interact with the positive outcomes of increased participation, empowerment, and development alternatives that focus on transforming power dynamics.[314] It follows that this approach to development is

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[311] Bård-Anders Andreassen, "Legal Empowerment of the Poor - a Strategy for Social Change?," in *Human Rights and Development in the New Millennium: Toward a Theory of Change*, ed. Paul Gready and Wouter Vandenhole (New York: Routledge, 2014), 91.
[312] Andreassen, 90.
[313] Andreassen, 92.
[314] Chapman et al., "Rights-Based Development," 175.

as much about empowering people and opening opportunities as it is about changing structural characteristics. This focus on structural change without a clear methodology means that there are diverse action strategies within this approach to development including lobbying, protesting, working with broader social movements to incite change in power structures.[315] These same action strategies also increase "political awareness, solidarity, and confidence of the poor and excluded groups and their supporters" to change the lived realities of those targeted by development programming.[316] The effects here are twofold: as a theory of change, HRBAs aim to change power structures and their oppressive policies from the top-down, by engaging in active citizenship to encourage policy shifts within government institutions, as well as creating change in the lived realities of marginalized groups from the bottom-up.

Increasingly, it becomes apparent that technocratic approaches to development through service delivery and developmental aid are now insufficient because they do not challenge the structural inequalities that inhibit inclusive sustainable development.[317] I think it is important to clarify here that HRBAs can be used in a variety of different types of development projects, whether the focus is on health, education, relieving poverty, entrepreneurship, or a number of other program types.

Yet, there are some project types that are more receptive to HRBAs than others. This theory of change is specifically suited to address issues of inequality within a system, rather that inequalities across countries. This is to say that HRBAs can work

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[315] Chapman et al., 167.
[316] Chapman et al., 167.
[317] Molyneux and Lazar, *Doing the Rights Thing*, 7.

towards closing gaps of inequality when there has been unequal development within a country but is not well suited to jumpstart the development process at the national level. For example, many programs that use HRBAs as a theory of change focus on empowering women and protecting women's rights to incite more equal, and therefore better overall, development.[318] Cases addressed by Tostan work towards a an overarching goal of community development, yet the organization works to close gaps of inequality within the community as a way to further develop the community as a whole.[319] In cases such as this, it is not immediately clear if an organization is working to develop a community or region in its entirety, or to work towards eradicating inequality until the program mechanisms are parsed out to figure out who the primary beneficiaries of the program are. In the case of Tostan's work, their underlying goal is to promote women's development and decrease gender inequality within the target communities; women are the primary beneficiaries of the program. It is possible, though, for there to be secondary beneficiaries, such as the communities in the program examples from Tostan. Working within a system that already recognizes the rights of some groups allows HRBAs to gain more traction and expand those who are understood as rights holders.

It is not only important to understand how HRBAs constitute a theory of change, but also the expected outcomes from this process. If the theory of change implied within

[318] Rand and Watson, *Rights-Based Approaches*, 17; Molyneux and Lazar, *Doing the Rights Thing*, 16–19; Cislaghi, Gillepsie, and Mackie, *Values Deliberation and Collective Action*; Tostan, "Annual Report 2018," 13.
[319] Tostan, "Strategic Engagement Plan 2019-2022," 6.

HRBAs is accepted, it would follow that the implementation of human rights will lead to positive development outcomes. These outcomes are characterized, first, by the immediate outcomes of prioritizing non-discrimination, enhancing legal empowerment, and challenging traditional power structures and dynamics between the rights holders and the duty bearers. Each of these immediate outcomes contribute to addressing issues of political, economic, and social inequality. Cislaghi, as a researcher focusing on Tostan's impact, emphasizes that equality is one of the human rights most central to change.[320] By addressing the roots of inequality through political systems, rather than the visible symptoms of inequality seen in economic spheres, HRBAs should be able to create sustainable changes that persist after organizations leave the area and development programs have ended.

Overall, HRBAs as a theory of change can be understood by their effects on power structures and how they change the way people interact with each other. It is important, however, to note that the specific mechanisms of change, or the actions taken to pursue this goal, are in a constant state of flux and can be manipulated to fit the specific context in question. Additionally, the theory of change described by HRBAs entails more aspects than are likely to be addressed in any one development project. Oxfam International addresses this flexibility by emphasizing the fact that "theories of change are not once-and-done exercises," but that they "must be revisited, retested, and modified."[321] Situating HRBAs as a theory of change in development work leaves the

[320] Cislaghi, Gillepsie, and Mackie, *Values Deliberation and Collective Action*, 187.
[321] Oxfam International, "Evaluation OSP," 16.

concept in a precarious position. It is likely to be replaced with another theory of change over time, across contexts, or simply because an organization wants to try something new. Yet, for now, HRBAs are a viable theory of change that neatly fits into the niche created by the convergence of human rights and development work around the emphasis on economic, social, and cultural rights.

Chapter 8: Conclusion

Development is a broad endeavor that emphasizes different outcomes, whether it is an emphasis on national economic growth, community building, state capacity building, or empowering citizens to engage in political and economic systems. Each of these aspects of development may necessitate a different approach or theory of change. HRBAs are a valid theory of change for addressing internal equality among citizens, building community capacity, and empowering citizens to engage in political and economic processes. This approach to development depends on bottom-up and indirect development programming to create sustainable change.

Each of the previous sections emphasizes the constitutive pathway that has allowed HRBAs to emerge as a theory of change in development programming. Without a conceptual convergence between human rights and development, the two would not be dependent on many of the same conditions or strive for the same goals. But there is still a clear differentiation between human rights advocacy and development programs.

Human rights advocacy is still entrenched in protecting civil and political rights. Even though there can be an emphasis on economic, social, and cultural rights, they are often overshadowed by civil and political rights. This in itself, is contrary to the idea that human rights are universal and indivisible. So, while human rights law and activists acknowledge these principles, they are constrained by the realities of the contexts in which they work. In practice, human rights advocacy is dependent on a state's capacity, strength of the state institutions, political elites having viewpoints that are consistent with

human rights, and good governance. Without these factors, a state is unlikely to see sustainable human rights protections in any capacity from the top-down.

At the same time, development practice has seen significant shifts in since World War II. We are now in a time that development is defined by human wellbeing in conjunction with state and national economic health. This is essential for human rights-based approaches to development, because the focus on individual and community wellbeing bridges the gap between growth and inclusive promotion of improving people's lived experiences. The groundbreaking United Nations Development Report in 2000 specified the relationship between human rights and development, highlighting the conceptual link between the two with a focus on securing fundamental freedoms. This report solidifies the possibility of intersections and overlaps between human rights and development work moving into the 21st century. Coming out of the report, human development, then, enters the narrative of development practice, forging a path for HRBAs.

Even though development now refers to both traditional economic approaches and human wellbeing, there are some necessary conditions that promote both types of development. These conditions include state capacity for growth, good governance, economic and political competition, and government accountability. Though they are not identical with the conditions that promote human rights, they are similar and overlap. This dependence on the same conditions and the emphasis on individual wellbeing has created a space for HRBAs to emerge as a viable option in development programming.

HRBAs should not be confused with an argument that human rights advocacy and development practice are interchangeable. Rather, the approach has emerged as a way to use human rights as both an end on their own and a means to creating a system in which development is likely to flourish and be sustainable. HRBAs are dependent on the value added to development work by incorporating human rights. Among these added values are an expanded role for NGOs in development work, an emphasis on the inclusivity and universality of the development outcomes, providing a legal framework for holding states accountable, and the use of ordinary virtues to understand human rights in a non-legal context. These added values help to mobilize different levels of actors, such as individuals, communities, civil society, and the government, to promote development work.

Without the use of human rights and HRBAs as a theory of change, Tostan's and Oxfam's development programs would look significantly different. They would probably focus on different development outcomes as their optimal goals. Yet, by using HRBAs, both organizations engage in development programs that address underlying systemic issues that curb development progress. Tostan, for example, uses human rights education to help communities identify value- and human rights-inconsistent practices that stop marginalized populations within the community from participating in political and economic life. Tostan has been most successful in addressing gendered issues within the CEP target communities, and addressing inequality within communities rather than inequalities across communities.

Oxfam in its use of HRBAs also works toward a grassroots or bottom-up approach to development by working with smaller regional organizations. Engaging with the *Make Trade Fair Campaign* in Ethiopia, Oxfam was able to mobilize its resources to help regional organizations and the farmers cooperatives to negotiate fair prices through a rights-based framework. HRBAs as a theory of change can be used at any level organization but is best suited towards closing marginalization and exclusion gaps within a cohesive cultural context, which is evident in the different ways it is used in Tostan's and Oxfam's development programming.

Even though these two organizations engage with HRBAs in different ways, their theory of change still revolves around the same core concepts. As a theory of change, HRBAs define a pathway to development that emphasizes the role of human rights advocacy and rights-consistent programming. The literature and case examples of the uses of HRBAs highlight the use of human rights as the motivation for inclusive development. This motivation is seen, though, throughout the mechanisms of change themselves. In Tostan's work, the theory of change clearly addresses power relationships within the communities by using human rights education courses to provide a space for women to begin the process of demanding a space to participate. This participation, then, is diffused throughout the community as part of a bottom-up approach to development.

Oxfam's work in Ethiopia also works to address unequal power structures. However, this is done in a different way. Rather than creating a communal knowledge that the practices are inconsistent with their values and human rights, Oxfam works with communities to empower individuals and communities to make rights claims to the state

and hold them accountable to create effective and inclusive policy. Though these organizations have used different practices, they have approached the same goal of development. They both work towards ensuring that the lived experience of everyday people is improved by the development programs they implement.

HRBAs, as a theory of change, are one of many ways to approach development. As they are largely based in the goal of changing power structures through a unique approach, it is unclear how much time must pass before it is appropriate to say the program has created sustainable change. It is likely to take longer to see results than technocratic and aid-based development, but the approach is also able to avoid common pitfalls such as imposing a project that won't last once the organization leaves, or creating a cycle of aid dependency.

HRBAs should be considered for wider-spread use throughout development because when they are implemented properly, they have the potential to create structural and sustainable change. But more importantly, they create a culture of continual learning and re-evaluation of values and traditions through a human rights lens that allows communities to address issues of development in new ways.

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