

# **The Potential of the Human Rights-Based Approach for the Evolution of the United Nations as a System**

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## **Abstract**

The United Nations (UN), facing increasingly intense challenges in the fulfillment of its mission, also harbors the potential for enhanced effectiveness, relevance, and legitimacy in the form of the human rights-based approach. The human rights-based approach (HRBA) is one model for translating the organization's values into a more adaptive, inclusive, dynamic, and responsive system of processes and outcomes. In the arena of politics, its meeting with a meaningful degree of receptiveness could signal a growing acceptance of the validity of structural approaches to development and other issues despite traditional defensive positions on human rights. Application of the HRBA in programming is leading to greater appreciation for addressing core disparities and promoting empowerment for sustainable outcomes. It is also cultivating new qualities in development practitioners, advancing creativity, openness and responsiveness in organizational culture. In feeding its evolution in this way, the UN as a system has the potential for deeper, longer-term mission fulfillment and thus ensuring its viability.

## Introduction

***“The tide of evolution carries everything before it, thoughts no less than bodies, and persons no less than nations” - George Santayana***

The United Nations (UN)<sup>1</sup> and the international system around it are increasingly called upon to navigate new territory in terms of addressing economic, environmental and security crises that are ever more complex and global in scope and impact. It is also compelled to integrate explosive expansion in technology, communications, knowledge and ideas. The question of climate change continues to be the subject of intergovernmental deliberation and debate after the December 2009 Copenhagen summit failed to produce a comprehensive, legally-binding treaty to replace the Kyoto Protocol. The brutal sexual violation of over 200 women in 2010 in the Democratic Republic of the Congo, despite the presence of UN peacekeepers, perhaps points to weaknesses and limitations of the UN peace and security efforts. The 2010 UN Summit on the Millennium Development Goals (MDGs) drew attention to mixed results in the achievement of the organization’s basic socio-economic objectives.

Yet 2010 was also the year that the online social connector *Facebook* reached 500 million members worldwide, being credited a role in the “Arab spring” democracy movements, that a Nobel Prize was awarded for in vitro-fertilization, and that other communications and scientific advances found countless applications globally. It is thus a moment of historic uncertainty and possibility for the world in general and for the UN no less. Rising to this call means positioning itself as an effective and adaptive global governance regime for the coming decades, or face possible irrelevance and ultimate obsolescence. Concern with the viability of the organization has been signaled on myriad occasions, including by the President of the 2010 UN General Assembly, who in his address to the opening of the Assembly’s High-Level Debate noted that the UN was in danger of being marginalized by the emergence of other actors on the international stage. Asserting its relevance in the face of such developments would seem to most usefully involve anchoring itself to its universal values and mission foundations, and creatively re-visioning its functioning on this foundation, to serve the evolving trends and address emerging crises. It requires the evolution of the system itself.

In systems thinking, evolution may be viewed as the movement from the small, simple and mechanical towards that which is more expansive, more inclusive, more complex, more internally cohesive, and more energetically dynamic and responsive<sup>2</sup>. Perhaps these are not qualities historically associated with the United Nations. But there is a growing force that seems to promise to take the international system further along these lines if it is nurtured in ways true to its own nature: the human rights based approach.

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<sup>1</sup> For a full depiction of the UN system of entities and articulation of related acronyms, please see the official UN chart in the Annex

<sup>2</sup> See Senge, P, 1990 The Fifth Discipline - The Art & Practice of The Learning Organization, and Bánáthy, B, 2000 Guided Evolution of Society: A Systems View (Contemporary Systems Thinking).

Why should we care? The United Nations Charter and the Universal Declaration of Human Rights (UDHR) come closest of all documents to conveying the universal values and aspirations of the planet's inhabitants. The fact that the UDHR is the most translated document worldwide is a testament to its resonance, and has given birth to a body of international law and corresponding regime that enshrines these ideals and seeks to give full expression to them. These lend structure, substance and legal authority to much of what is articulated in the UN Charter, the Millennium Declaration and other international instruments as universal values. We should care because these entities and their corresponding methodologies are among the most comprehensive attempts to make peace, justice, equality, human dignity and environmental sustainability living values for the earth's population.

The following sections explore how the human rights based approach is proving to have the potential to influence the politics around human rights, the way that development and other core programming is delivered, and the qualities and culture of the international civil service. These developments are viewed as favoring the evolution, effectiveness and future viability of the UN as a system.

## Myopia and methods

While the UN is an entity of defined and enduring values, it is not necessarily one of clear and proven methods for achieving its ideals. Much of what the UN applies in terms of methodology focuses on meeting criteria of political expediency and bureaucratic convenience, and thereafter accomplishing effectiveness. As Thomas Weiss notes, “we continue to celebrate ad hoc approaches and pragmatism, but to what end? For ‘one-off’ problems, ad hoc solutions are acceptable. But several decades after the recognition of many types of interdependence, and amidst the proliferation of both for-profit and non-profit institutions, the approach of cobbling together solutions and adhoc coalitions appears increasingly tenuous” (Weiss, 2009: 227)

Some of this is doubtless due to the history and political nature of the organization. Given that politics, including international politics, is often short-sighted and limited by the frameworks of time-bound government regimes, would it be a surprise for myopic mindsets and approaches to often prevail as well, both in Member State decision-making as well as in implementation of decisions by the bureaucracy that serves it? Short-term thinking is entirely appropriate in some important arenas of the organization’s work. Hence one might determine that its humanitarian efforts as delivered by the United Nations Children’s Fund (UNICEF), the United Nations Population Fund (UNFPA) and other organizations are often efficient, involving significant logistical acumen to relieve more immediate suffering after disasters, as the response to the 2004 tsunami would attest.

Efficacy is also subject to the conceptual nature of the organizational objectives themselves. In particular, with respect to the other core UN goals of peace and security and development, the concepts, needs and remedies less readily lend themselves to effective delivery through short-term thinking or practical logistics. The problems of conflict and of socio-economic well-being are largely concerns with deeper, longer-term roots, requiring approaches for redress which are also deep and long-term if they are to be effective, as the experience in Iraq for instance would demonstrate. People rarely face poverty or willingly decide to engage in battle without there being an experience of injustice or of marginalization as its basis. It is only from that level that sustained change can emerge.

The New International Economic Order and other international community development policy efforts promoted in the 1970s and beyond represented steps forward in recognizing and addressing historical global inequalities through trade, financial, commodity, and debt-related arrangements in favor of the collective right to development of developing countries and the individual rights of their citizens. At the national level, however, complementary development programming approaches have largely revolved around need and the corresponding provision of services to alleviate short to medium term needs. Deeper underlying questions of participation, accountability and non-discrimination, addressing individual human rights and invoking specific civil and political as well as economic, social and cultural rights, were not systematically incorporated.

The advent of the MDGs in 2000 introduced a new development structure, and a new overarching timeframe of 2015. Eradicating poverty was now gauged in terms of halving the

proportion of people with incomes of less than \$1 a day and achieving full, productive, decent work, as well as halving the number of persons suffering from hunger. The MDGs promoted universal primary education and eliminating gender disparity in education, reducing child and maternal mortality, and achieving universal access to reproductive health. It called for halting and reversing the spread of the Human Immuno Deficiency Virus / Acquired Immune Deficiency Syndrome (HIV/AIDS), malaria and other major diseases, advocated sustainable development, reduction of biodiversity loss, and access to safe drinking water and sanitation. It also critically furthers a role for global cooperation in meeting development goals. In terms of its possible advantages, the MDGs thus introduced common indicators of development, so we gained better focus of the areas of concern, and with respect to gender equality, some appreciation of key societal disparities. It also established relative benchmarks to be achieved by countries.

A number of valid criticisms have been leveled against this framework. Detractors of the MDGs have questioned the politicization of the selection of MDGs, note that particular MDGs are difficult to assess empirically, or express concern that they do not amount to fundamental changes in the socio-economic systems and structures giving rise to these development issues (Amin, 2006). Problems have also been identified with the conceptualisation and execution of the MDGs at the goal, target, and indicator levels, including their being too narrow, imprecise, or being affected by concerns of measurement, ownership and leadership, respectively (*Lancet* and London International Development Centre Commission, 2010 :7). Others point to the diluting of previous development goals wrought by the introduction of its benchmark criteria e.g. changing the 1996 Rome Declaration on World Food Security of halving by 2015 the *number* of undernourished to the MDG of halving by 2015 the *proportion* of people; note methodological shortcomings in assessing the world's poor; and assert that "the affluent countries, partly through the global institutional order they impose, bear a great causal and moral responsibility for the massive global persistence of severe poverty" (Pogge, T, 2004: 2)

The 2010 Millennium Summit provided an opportunity to examine the impact of the initiative. Progress was reported to be uneven with successes in poverty reduction school enrolment, child health and survival, access to clean water and the control of HIV and other major diseases. However, concerns remained or deepened regarding hunger and malnutrition, employment, gender equality, environmental sustainability, basic sanitation, and particularly maternal mortality. From a human rights standpoint, it is most notable, however, that the 2010 MDG Report repeatedly identified poverty, urban-rural and gender differences, inequality, and lack of education as contributory factors impeding MDG achievement. As such, the MDGs perhaps represented an advance in terms of clarity of thinking and action as well as consensus around development concerns for the international community, but do these concepts tackle the deeper underlying issues?

## Key UN Programmes and Programming Frameworks

### Millennium Development Goals - MDGs

The **MDGs** are eight international development goals that all 193 United Nations Member States have agreed to achieve by the year 2015. Briefly, they are:

- Goal 1: Eradicate extreme poverty and hunger
- Goal 2: Achieve universal primary education
- Goal 3: Promote gender equality and empower women
- Goal 4: Reduce child mortality rates
- Goal 5: Improve maternal health
- Goal 6: Combat HIV/AIDS, malaria, and other diseases
- Goal 7: Ensure environmental sustainability
- Goal 8: Develop a global partnership for development

### CCA/UNDAF/PRSP<sup>3</sup>

#### Common Country Assessment

As defined by the General Assembly, the CCA is the common instrument of the United Nations system to analyse the national development situation and identify key development issues. Both a process and a product, the CCA takes into account national priorities, with a focus on the MDGs and the other commitments, goals and targets of the Millennium Declaration and international conferences, summits and conventions.

#### UN Development Assistance Framework – UNDAF

As the common strategic framework for the operational activities of the United Nations system at the country level, the UNDAF provides a collective, coherent and integrated United Nations system response to national priorities and needs within the framework of the MDGs (Millennium Development Goals) and the other commitments, goals and targets of the Millennium Declaration and the declarations and programmes of action adopted at international conferences and summits and through major United Nations conventions. The UNDAF emerges from the analytical and collaborative effort of the CCA and is the foundation for United Nations system programmes of cooperation.

#### Poverty Reduction Strategies Papers - PRSPs

Poverty Reduction Strategy Papers (PRSPs) are prepared by the member countries through a participatory process involving domestic stakeholders as well as external development partners, including the World Bank and International Monetary Fund. Updated every three years with annual progress reports, PRSPs describe the country's macroeconomic, structural and social policies and programs over a three year or longer horizon to promote broad-based growth and reduce poverty, as well as associated external financing needs and major sources of financing.

<sup>3</sup> Taken from the website of the UN Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and the Small Island Developing States- [http://www.un.org/special-rep/ohrlls/ohrlls/cca\\_undaf\\_prsp.htm](http://www.un.org/special-rep/ohrlls/ohrlls/cca_undaf_prsp.htm)

## **Human rights and the human rights based approach**

Alongside these core areas of the UN's work has grown the human rights regime. Following the 1948 General Assembly adoption of the Universal Declaration of Human Rights, the initial international focus lay on civil and political rights. This covered such areas as individual freedoms, protection from discrimination, and the rights to due process and to vote. Economic, social and cultural rights further encompass, inter alia, peoples' right to self-determination, the right to work, just and favourable conditions of work, protection of the family, the rights to physical and mental health, and to education and cultural life. While both the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights were adopted by the General Assembly in 1966 and entered into force in 1976, there has been an historical differentiation between the two categories of rights and corresponding disparities in attention to their advancement. As one author asserts, "Despite the UN's insistence that all human rights are "indivisible and interdependent and interrelated," the reality is that civil and political rights (CPR) have dominated the international agenda while economic, social, and cultural rights (ESCR) have been accorded second-class status." (Alston, 2009: 2) As such, and notwithstanding the active debates on their equality, notably by developing countries, there has been slower growth and substantiation of economic, social and cultural rights. This has translated into a corresponding uneven progress in their application, with associated implications for development efforts.

The General Assembly in 1986 also adopted the Declaration on the Right to Development, ensuring entitlement to enjoy economic, social, cultural and political development and self-determination, and stipulating duties for international cooperation to fulfill these rights. In 1999 the Commission on Human Rights followed suit in adopting a Resolution on the Right to Development. These advances enjoyed broad support from developing countries.

A number of bodies were established in service of these decisions. Intergovernmental entities evolved from the Commission on Human Rights to the Human Rights Council in 2006. UN organizations progressed through the creation of the UN Centre for Human Rights to the Office of the High Commissioner for Human Rights (OHCHR) in 1994. Monitoring functions and jurisprudence grew with treaty body mechanisms, special procedures and most recently the Universal Periodic Review.

Locating human rights at the centre of the work of the UN was a keystone of the UN Secretary-General Kofi Annan's initiatives for the reform of the United Nations from 1997, following the 1993 UN World Conference on Human Rights. In his 2002 report "Strengthening of the United Nations: an agenda for further change", he sought to intensify UN cooperation with Member States in building national capacities for the promotion and protection of human rights. The "Action 2" interagency plan of action [(comprising OHCHR, United Nations Development Programme (UNDP), UNICEF, UNFPA, the United Nations Development Fund for Women (UNIFEM) and others], developed at the request of the Secretary-General to strengthen human rights-related UN action at country level, gave further impetus to this effort. Also, in his 2005 report "In larger freedom: towards development, security and human rights for all", the

Secretary-General emphasized that “not only are development, security and human rights all imperative; they also reinforce each other”.

It was from this period that tenets of human rights began to be considered for application in the delivery of services in the other core areas of UN work as part of integrating human rights in the whole UN system, giving rise to the Human Rights Based Approach (HRBA). As expressed by one practitioner, “...As the traditional development discourse loses its political and financial attraction, a broad process of rethinking development aid has started, and a search for new paradigms for international cooperation has emerged. One of these new paradigms is the human rights approach to development. (UNICEF, 2004: 2)

The key principles of a human rights based approach effectively distill the main elements of the nature of human rights. It also outlines their implications for processes and outcomes in the delivery of services. The author acknowledges that there are several HRBA models but given the focus on the UN, makes reference to the UN approach for the purposes of this paper. The UN HRBA framework comprises the following elements, in keeping with the 2007 Guidelines for UN Country Teams on Preparing a Common Country Assessment and United Nations Development Assistance Framework:<sup>4</sup>

- *Universality and inalienability*: Human rights are universal and inalienable. All people everywhere in the world are entitled to them. The human person in whom they inhere cannot voluntarily give them up. Nor can others take them away from him or her. As stated in Article 1 of the UDHR, “All human beings are born free and equal in dignity and rights”.
- *Indivisibility*: Human rights are indivisible. Whether of a civil, cultural, economic, political or social nature, they are all inherent to the dignity of every human person. Consequently, they all have equal status as rights, and cannot be ranked, a priori, in a hierarchical order.
- *Inter-dependence and Inter-relatedness*. The realization of one right often depends, wholly or in part, upon the realization of others. For instance, realization of the right to health may depend, in certain circumstances, on realization of the right to education or of the right to information.
- *Equality and Non-discrimination*: All individuals are equal as human beings and by virtue of the inherent dignity of each human person. All human beings are entitled to their human rights without discrimination of any kind, such as race, colour, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status as explained by the human rights treaty bodies.
- *Participation and Inclusion*: Every person and all peoples are entitled to active, free and meaningful participation in, contribution to, and enjoyment of civil, economic, social,

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<sup>4</sup> See also the UNDG, 2009 *Guidelines for UN Country Teams On Preparing A CCA And UNDAF*, UNDG and Office of the High Commissioner for Human Rights, 2006 *Frequently Asked Questions On A Human Rights-Based Approach To Development Cooperation*

cultural and political development in which human rights and fundamental freedoms can be realized.

- *Accountability and Rule of Law:* States and other duty-bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in human rights instruments. Where they fail to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law.

In thus filtering and condensing the abundance of legal principles contained in the UDHR, nine core international human rights treaties and related instruments, as well as the jurisprudence, analyses and recommendations of corresponding human rights bodies, the HRBA necessarily dilutes the substantive content and weight of the human rights enterprise. This is an observation surely not lost on its creators and practitioners, and the distinction between the body of human rights work as a whole and that of the HRBA bears ongoing consideration in examining the application of the HRBA. The approach may thus perhaps most usefully be viewed as providing a prism directing operational activity towards the larger framework of human rights law and expertise for fuller guidance. This is borne out by the HRBA process itself, including promoting interaction with the international human rights machinery, as elaborated more fully in the section below on programming. In general terms, the HRBA principles nonetheless created the framework for new thinking on how the process of development may be fostered and accompanied by development organizations and practitioners.

## **The HRBA and evolution in politics**

What the HRBA is slowly and modestly sowing is openness to the validity of approaches that address structural and deeply rooted inequalities at the national level, beyond the traditional medium-term service orientation in development. It attempts to give credence to the notion that process is as important as outcome. It seeks to invest in deeper, longer-term, less tangible, more powerful results. In principle, it thus lays the foundation for durable peace, and a more balanced impact of environmental upheavals. And these developments represent an evolutionary stride in international politics and policy-making, core functions that establish the substantive and operational template of the UN as a system.

Human rights has always been politically sensitive, viewed by many states, some more selectively than others, as an attempt by the international community or perceived enemies to impinge on their national sovereignty. Political response is also certainly in most instances in defensiveness for less than pristine records in ensuring protection and fulfillment of rights for their own citizens. Human rights has also been subject to debate over whether they are truly universal given the fact that at the time of the establishment of the UDHR many countries were under colonization, and whether human rights promote more individualistic western values compared to the more community-oriented eastern culture.<sup>5</sup> As indicated in the 1993 Vienna World Conference and subsequent expressions of the fault-lines among Member States on the validity of the assertion of universalism, this issue remains unresolved. Concern has also been raised as to whether human rights represented new conditionality to development aid, and possible implications in terms of superficial acceptance of the human rights framework. These perspectives and positions, as well as those indicated above on economic, social and cultural rights compared to civil and political rights have thus been variously reflected in the discussions and voting at the General Assembly, Human Rights Council and related inter-governmental forums.

Progress on all human rights also suffered a setback following the 11 September 2001 attacks in New York, when security concerns assumed primacy over civil liberties in the counter-terrorism strategy of many countries. It may also have been a convenient justification for many others to similarly neglect or actively undermine protection and promotion of human rights. Nonetheless, there have been important milestones in the advancement of economic, social and cultural rights in recent times. Among these is the 2008 General Assembly adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, allowing for an individual complaints mechanism, and the adoption of a General Assembly resolution in 2010 declaring safe drinking water and sanitation as human rights.

More specific to the UN context for inter-governmental decision-making on development activities, several processes are noteworthy. At the 2005 World Summit, Member States endorsed commitments to mainstream human rights in country-level development activities. The follow-up High Level Panel on system wide coherence for “Delivering as One” also in its 2006

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<sup>5</sup> See Uvin, P 2004, *Human Rights and Development*

report recommended that “All UN agencies and programmes must further support the development of policies, directives and guidelines to integrate human rights in all aspects of the UN’s work” (United Nations, 2006: 27). However, consensus could not be reached on how to move forward on these recommendations during the inter-governmental discussions on system wide coherence and in the UN Triennial Comprehensive Policy Review of the UN development system’s support to developing countries. Among the concerns raised were the integration of human rights as “conditionality” for development assistance, as well as perceived infringements on sovereignty. The 2010 MDG Summit Outcome Document reclaimed some progress, with more comprehensive references to human rights. At the agency level, the UNDP executive board in its deliberations for the 2008-2011 strategic plan stipulated that the organization did not have a “normative” or “monitoring” role with respect to human rights and restricted work on human rights to good governance, gender equality and persons with HIV/AIDS.<sup>6</sup>

Notwithstanding the dynamics of political decision-making in intergovernmental forums at the global level, on the ground HRBA programming seems to have been largely ostensibly accepted, through individual agency or UN Country Team projects. It is difficult to ascertain clear figures on the number of countries applying the HRBA through UN programming, but an estimate of those UN country teams having been trained on the HRBA or benefitting from a Human Rights Adviser would suggest more than 60<sup>7</sup>. This is in addition to the projects by individual agencies such as UNICEF, UNFPA and UNIFEM since 1997-2000. Those experiences, as documented in the small number of published case studies noted below and in the following sections, indicate a varied terrain of engagement, but one which has largely managed to be accepted as a valid part of the package of development assistance in response to government requests. These range from building awareness e.g. of channels of legal redress when rights are not fulfilled as in Laos, to a focus on empowerment, as in the education sector in Zambia, to more targeting of marginalized groups, such as through gender sensitive programming in responding to reproductive health needs in Nepal and addressing the needs of the poor for water services in Kenya.

The factors making for acceptance are complex and contextual, and may be embedded in larger legislative or policy frameworks. As noted for food security efforts, “In South Africa, for instance, the right to food is enshrined in the Constitution and the South African Human Rights Commission (SARHC) is mandated to monitor the implementation of this right. Brazil is in the process of building an institutional structure that incorporates a vision of human rights, including the right to food among the principal objectives of the country’s food security policy of Zero Hunger (*Fome Zero*). The Indian Constitution is construed as protecting the right to food as an integral part of the right to life. And in Uganda ... An international environment supportive of human rights has played a significant role in this.” (FAO, 2006: 58)

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<sup>6</sup> For a full treatment of these political positions and counter arguments on the basis, inter alia, of the human rights obligations of the United Nations, of the invalidity of conditionality concerns, of decision-making processes that ensure government ownership, see Darrow, M, Arbour, L, 2009, *The Pillar of Glass: Human Rights in the Development Operations of the United Nations*. American Journal of International Law, p 446

<sup>7</sup> See OHCHR High Commissioner’s Strategic Management Plan 2010-2011: p. 51

Cultural resistance is another significant factor, one that may be attenuated with time and familiarity with HRBA concepts. It is noted for one UNICEF case study that “ In Zimbabwe, a rights-based approach initially encountered strong opposition and skepticism from the government, which was opposed to the idea of a development agency taking on a rights focus that would assert that the government had duties. Similar opposition was experienced at the local level, particularly due to the premium given to children’s and women’s rights. Therefore a lot of time (two years) was invested toward gradual assimilation of the fundamental values represented by a rights approach and showing that these were not entirely strange and that many of these values could be found in the local socio-cultural context. Once this was accepted, human rights provided an ethical basis for justifying the full participation of women and youth in decision-making forums, particularly in programmes around HIV/AIDS.”(Nyamu-Musembi, C and Cornwall, A, 2004: 23)

In other cases, such as in Vietnam, a history of consistent constructive relations between the UN country team and the government may lend itself to greater willingness to the application of the approach. (UNICEF, 2004: 35). The point is also made that linking UN HRBA training to training on results based management may contribute to a broader understanding of the role of the HRBA in optimizing development results, and thus perhaps facilitate greater acceptance, as in the case of Tunisia [UN System Staff College(UNSSC), 2010: 3]

Additionally, a small number of countries have financed human rights and HRBA mainstreaming in the UN system through the UN inter-agency Action 2 Global Programme and its new successor the UNDG Human Rights Mainstreaming Mechanism.

These developments would seem to point to a kernel of acknowledgement of the usefulness and validity of HRBA that goes beyond traditional reactionary responses in the domain of politics around human rights.

## The HRBA and evolution in programming

Although it can be complicated, the HRBA is forging new territory by seeking to make participation operational and thus entrench ownership and accountability. It attempts to target disparities in the enjoyment of human rights, paying attention to and standing in solidarity with the most vulnerable and marginalized otherwise obscured by aggregate figures. It aims to support and empower both those charged with the protection and fulfillment of rights and those who suffer from their absence. It can thus serve as a significant substantive contribution to the UN framework for achieving human dignity world over. Moreover, as a methodological process it advances important elements of the systems thinking approach through more deeply integrating responsiveness to country experience and paving the way for greater adaptability of the UN system as a whole.

### *Context*

The approach must first correspond fundamentally to its setting in terms of development, humanitarianism or conflict. As the CARE/OXFAM Rights Based Approaches Learning Project suggests “a big challenge associated with adopting rights-based approaches is implementation in humanitarian assistance arenas and conflict zones. Complex emergencies and natural calamities require *rapid responses* that by their very nature leave little time for in-depth analysis of root causes, identification of duty-bearers or integration of community involvement. This is where rights-based approaches to disaster mitigation come in, as well as contingency and preparedness plans to prevent rights abuses within an effective emergency response.” (CARE USA and OXFAM America, 2008:39). The issue is further complicated by the need to effectively coordinate with the application of the Geneva Conventions on International Humanitarian Law in conflict/post-conflict arenas and the array of associated actors, including the International Committee of the Red Cross, the custodian of the Geneva Conventions. With particular respect to peacekeeping, the application of human rights standards themselves and the question of accountability remain nonetheless relevant. This is demonstrated by the scandals involving sexual exploitation among peacekeepers in the Balkans, the Congo and Sierra Leone that yielded investigation by the UN and the subsequent adoption of a policy of “zero tolerance” in recognition of the need for accountability for human rights violations. The HRBA has thus largely been applied in the area of development, and efforts continue towards its more widespread adoption in humanitarian and conflict-related situations.

With specific respect to development programming by UN agencies<sup>8</sup>, corresponding considerations include the need to apply situation analysis in assessing country conditions. This incorporates an examination of immediate, underlying and structural causes of development problems, and how these relate to the respect, fulfillment and protection of human rights in accordance with international human rights standards. It involves looking at which portions of the population are most affected by these issues, using disaggregated data on gender, ethnic

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<sup>8</sup> See the *UN Common Learning Package on HRBA*, 2007  
<[http://hrbaportal.org/?page\\_id=2204&mod=clp](http://hrbaportal.org/?page_id=2204&mod=clp)>

background, rural/urban dimensions, nationality and other variables. All components are as attentive to process as to outcome, seeking to ensure the participation of all stakeholders in identifying core problems, framing solutions and making decisions on their welfare, with the integral inclusion of civil society groups and individuals as well as representatives of government. The relevant duty bearers and rights holders in the situations are also identified. This then leads to the charting of strategic programming designed to address capacity gaps, both in claiming rights and in the fulfillment and protection of rights by duty bearers, usually State authorities. Related service delivery to fill capacity gaps could be, inter alia, support for legislative reform, institution building, training, better access to information, or town hall meetings such as on the role of women in society.

### *Success factors*

A number of issues influence the operationalization of the HRBA. As identified in the mid-term and final evaluation reports of Action 2 countries,<sup>9</sup> some important factors for successful implementation included the following:

- the need for follow-up to training (Afghanistan, Macedonia, Tanzania)
- building partnerships with governments and training government officials (Albania)
- training of NGO and other counterparts, and good timing in terms of synchronicity with the Universal Periodic Review Process or other government planning (Bahrain, Sao Tome and Principe)
- availability of HRBA material in the national language (Bahrain, Burkina Faso, Rwanda, Sao Tome and Principe)
- timely and adequate funding (Burundi, Colombia, Niger)
- the presence and timely deployment of human rights advisers (Burundi, Maldives, Moldova, Nicaragua, Papua New Guinea)
- adequate time for implementation activities (Cameroon)
- commitment by the UN resident coordinator, and an interagency thematic group on human rights (Colombia)
- including members of the judiciary and the legislature in human rights training (Costa Rica, Guyana)
- staff turnover (Guyana, Senegal)
- effective inter-agency joint programming (Mali)
- support by UNCT heads of agencies, and UNCT coordination (Moldova, Vietnam).

Evaluations of UN application of the HRBA also offer insights and underscore significant elements. A 2002 OHCHR assessment drew attention to the need for deploying human rights experts in UNCTs, closer inter-agency work with treaty bodies, engagement with international financial institutions (IFIs) and including local NGOs in mainstreaming (O'Neil, W and Bye, V, 2002). One examination of application of the HRBA to UN Common Country Assessments and UN Development Assistance Frameworks noted the need for strong leadership of the UN Country Team, for early training, for dissemination of lessons learned and best practices, for regional level involvement, as well as for better sensitizing treaty bodies and special procedures

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<sup>9</sup> See the Action 2 archives and UNCT reports at <http://www.undg.org/index.cfm?P=1393>

to development work (O'Neill, W, 2004: 43). A wider review by UNESCO based on UN agency experience identified broad lessons learned. These included the need for disaggregated data, realistic time frames, organizational leadership in promoting the HRBA, linking to results based management, UN system coordination, building a culture of human rights in the organization, and the use of entry points such as MDGs or HIV/AIDS, and continuing rather than one-off training programmes (UNESCO, 2006).

### *Challenges*

The HRBA to development is not without inherent challenges. At the conceptual level, there is the need for the approach to reconcile the different perspectives, languages and methodologies of the development and human rights communities in ways that facilitate the operationalization of the HRBA. Also, observers assert that the approach, while making a significant contribution to understanding the issues involved, has not moved beyond rhetoric to “conceptual rigor, systematization of practice, or lessons-learning” (Darrow and Amparo, 2005). The HRBA is questioned for understating the complexity of identifying human rights obligations of duty-bearers and the immediate, underlying, and structural causes of the non-realization of rights, and for including recommendations of international human rights bodies and mechanisms that may not be sufficiently operational to be readily applied to development decision-making (Alston P., 2005). Others also acknowledge the enormity of the task of a shift in paradigms to the HRBA in terms of fundamental relationships and management (Uvin, 2004)

Additional possible weaknesses in the approach have been identified with respect to its lack of specification of effective poverty reduction strategies; and the need to develop a common set of indicators against which outcomes, processes and results can be measured (Nordgard, 2006: 36)

The HRBA is additionally subject to the critiques leveled at human rights in general as outlined in the previous section. These encompass perceived western origin and orientation, even cultural imperialism (Katsui H., 2008:8). Concerns have also been voiced about HRBA as new conditionality for development aid, and without consideration of the origin of development problems in historical global inequalities such as those perpetuated by colonialism (Manji, F, 1998). Others note the potential for prioritizing processes in HRBA that feed into existing power relations (Seppanen S., 2005:93).

Adaptability of the HRBA to the local culture and circumstances in order to ensure acceptance and internalization is a theme echoed by several case studies. Among these are the enactment of the Free Maternity Law in Ecuador and its sensitivity to gender issues, as well as the Villa Esperanza Project in Colombia with concern for the linkages between violence and reproductive rights (UNFPA and Harvard School of Public Health Program, 2008: 17). Understanding of the broader context may critically influence the scope for impact (UNICEF, 2004: 45). As such, flexibility and practicality may be called for, as expressed in the assertion that “pragmatic approaches versus long term rights advocacy is a project by project consideration and determined in part by both the UN agency and the country context. The result is that the human rights agenda and its premise for challenging power dynamics is inconsistent and at times, pushed to the back of the agenda.” [United Nations Education Scientific and Cultural Organization (UNESCO), 2008: 18]

The above itemized constraints are also illustrated in the documentation of fourteen UN cases studies in the Asia-Pacific region (including Afghanistan, Bangladesh, Cambodia, Fiji, India, Indonesia, Nepal, Philippines, Lao PDR, Mongolia, Thailand and Vietnam). Here lessons learned in HRBA implementation have covered:

- the necessity to ensure the link with international human rights norms, standards and principles as an entry point for dialogue with duty bearers and establishing content for development objectives
- the necessity of both bottom-up and top-down engagement to ensure ownership and a more holistic approach to programming
- and the need for monitoring, evaluation and evidence (UNESCO, 2008).

Similarly, a UNDP case study of HRBA as applied to municipal development in Bosnia and Herzegovina highlights, inter alia, the difficulties posed by the lack of reliable data through the census, the need for longer term timeframes for implementation and impact, and local capacities that are overstretched by multiple development planning processes.(UNDP, 2006). Capacities may also be linked to knowledge and awareness considerations, as one case study noted: “The strategies used have not been able to link up human rights standards programming principles that rely on access to courts as redress mechanisms if rights are not met or fulfilled. Communities lack knowledge on how to file claims.” (UNESCO, 2007: 5) The absence of resources and infrastructure may also not facilitate significant HRBA application, so that “even if awareness levels and skills are developed amongst the communities to stake claims, there is no corresponding legal infrastructure at the local level (or at the national level) to address claims if the right to water is not met by the government (or NAM SAAT, in this case).” (UNESCO, 2007: 5) In the case of Zambia, “The significant restrictions upon resource availability in a country like Zambia, with neo-liberal policies that lead to fewer resources for social services and basic needs, was perceived in some quarters as reversing many gains made by the HRA. The Permanent Secretary in the Zambian MOE (Minister of Education) maintained that there was no likelihood of empowerment taking place through the HRA without adequate resources being available.” (Norwegian Centre for Human Rights, 2002: 7)

### *Development programming frameworks*

This last observation points to the larger question of the compatibility of the HRBA with other development programming. The HRBA must correspond usefully with external frameworks in terms of established national development priorities and programming. Particularly relevant is the significant role of international financial institutions such as the World Bank and International Monetary Fund, and the socio-economic frameworks they have promoted from the 1980s, notably trade and investment liberalization, deregularization and privatization, themselves the subject of much criticism (Pogge, 2005). It is noteworthy that the Bank’s private sector lending arm, the International Finance Corporation (IFC), in partnership with the International Business Leaders Forum and the UN Global Compact, has developed since 2007 a human rights impact assessment tool to ensure that private investors are not complicit in human rights violations occurring through IFC-supported projects<sup>10</sup>. However, questions on the degree to

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<sup>10</sup> International Finance Corporation and International Business Leaders Forum, Guide to Human Rights

which elements of the HRBA are included in, for example the Poverty Reduction Strategies of the World Bank, remain outstanding issues. Among these, as identified by OHCHR, are the need to ensure sustainability through targeting of marginalized groups in objectives, broadening notions of accountability to include citizens, and deepening participation of stakeholders, as well as contextualization to national circumstances<sup>11</sup>. Some critics further contend that the role of international financial institutions complicates the question of accountability (Darrow, M, 2003, and Ghazi B, 2005) since such external actors effectively become duty bearers themselves and should be held as equally accountable as governments for human rights obligations (Nordgard, 2006: 34). Following the global economic and financial crises of 2008 and the diminished credibility of prevailing economic models, the way forward in terms of economic policy prescriptions is unclear. In this context, the implications of the November 2010 G-20 Seoul Development Consensus principles for development programming in general and for IFI development programming in particular, remain to be determined.

In the UN context, a key UN development framework, as noted earlier, is the MDGs. The advantages of incorporating a human rights dimension have been located, inter alia, in building upon legal obligations already entered into by governments, the advantage of non-discrimination for ensuring that aggregate approaches do not neglect marginalized groups or persons, the specificity afforded to value terms such as participation and empowerment when particular civil and political rights are invoked, and the potential contribution of the international human rights accountability mechanisms (Alston, 2006:3). The 2010 Millennium Development Summit Outcome Document included notable recognition that “the respect for and promotion and protection of human rights is an integral part of effective work towards achieving the Millennium Development Goals”. It also made specific references to the rights to food, to education, to the right of children and of women, to health and with respect to the rights of indigenous persons and persons at risk of contracting HIV/AIDS. As such, the Outcome Document may serve to provide an opening for the further incorporation of such dimensions.

One factor contributing to the adoption of particular programming components is the permanent or regular budget constraints imposed on the UN secretariat and agencies, leading to the proliferation of “extra-budgetary” funds from individual donor countries. As such, Members States can selectively support projects with varying degrees of human rights based content or approaches, and in some cases also the related personnel implementing development programmes, with consequent implications for a range in substantive human rights integration and operational performance.

Within the UN system itself, HRBA programming must also be coordinated with other interventions and approaches at the policy and organizational levels, with integration into the UN Common Country Assessments and UN Development Assistance Frameworks as well as UN internal operational principles of results-based management, gender equality, environmental

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Impact Assessment and Management, *accessible at <http://www.iblf.org/resources/guides.aspx>*

<sup>11</sup> See OHCHR, 2005 “Comments on the Concept Note Joint World Bank and IMF Report on Poverty Reduction Strategy Papers – Progress in Implementation 2005 PRS Review”, and OHCHR, 2006 “Principles And Guidelines For A Human Rights Approach To Poverty Reduction Strategies”

sustainability and capacity building. It is to no small degree dependent on an enabling intra-organizational environment as well, the nature of which varies significantly across the UN system agencies, funds and programmes, partly due to varied governing body perspectives as explored earlier. The HRBA also draws heavily on the notion of the various UN agencies and organizations thinking and acting in some unison. This aspiration is in alignment with the ongoing country level project among eight UN Country Teams to “Deliver as One”, itself a progression in the evolution of the UN. Such developments represent advances against a history of very significant issues of shortcomings in coordination, unclear division of labour and corresponding duplication of effort. Much also depends on the active engagement, support and leadership of the heads of the UN Country Teams and on the appropriate allocation of resources.

### *Indicators and impact*

A core issue for concern and further action is the fact that no UN system-wide accepted set of indicators has yet been developed to measure the impact of HRBA programming.<sup>12</sup> The development of reliable indicators would undoubtedly serve to optimize learning around programming experience, deepen the scope for responsiveness and adaptation of the UN system, and ultimately contribute greatly to the operationalization of the approach in terms of results and impact in client countries. Nevertheless, as a relatively new experiment in the UN methodology galaxy, it shows initial promise for making significant inroads in the way development programming is conceived and delivered. This section thus proceeds to examine impact in general qualitative terms.

At country level, one UNFPA case study “demonstrates a number of ways in which attention to rights led to better health outcomes for Nepalese women and girls. For example... to the creation of opportunities for women and girls to contribute to the process of determining what form the programming should take...to... developing gender-sensitive programming...to increased efforts to help certain groups, such as women and girls who were living in poverty and those who faced greater challenges as a result of armed conflict.” (UNFPA and Harvard School of Public Health Program, 2008: 32) In Turkey, HRBA programming is credited with ensuring greater local intersectoral cooperation, including among parties that had not worked together before such as government agencies and women’s organizations. At the level of accountability, the Ecuador study documents that User Committees brought attention to, and addressed with authorities, issues of discrimination in health services on the basis of inter alia, gender and ethnicity. These Committees subsequently pursued complaints that resulted in improvements in hospital equipment and infrastructure. (UNFPA and Harvard School of Public Health Program, 2008)

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<sup>12</sup>Under the Action 2 initiative, impact was measured against strengthening the capacity of the UNCT to apply the HRBA to programming, to support national human rights promotion and protection systems, and to create linkages with international human rights mechanisms. Among Action 2 projects, Chile, Kyrgyzstan, Mali, Mexico, Papua New Guinea, Russia, Rwanda and Ukraine registered success with those indicators in their final report; Albania Bahrain, Burundi, Costa Rica, Maldives moderate success to success; moderate success in Colombia and Niger and Tanzania; and success of relevant elements in Afghanistan and Sri Lanka and Vietnam. See the Action 2 archives and UNCT reports at <http://www.undg.org/index.cfm?P=1393>

In Lao PDR, one HRBA project claims achievements in terms of establishing consultations between government representatives and communities, while communities assumed personal responsibility for choices regarding the water supplier, funding the water supply and monitoring the quality of the service delivered. It furthermore freed up time, particularly for women and girls, supporting additional project efforts for income generating activities and school attendance. (UNESCO, 2008: 13).

One UNDP case study in Bosnia and Herzegovina itemizes among its impacts raising awareness, strengthening accountability of government layers for local development and inclusion of the needs of the more vulnerable and marginalized groups in the assessment, planning and implementation processes. It also notes “the process itself is a tool for fostering dialogue in ethnically fragmented communities in BiH by bringing them to the same table and providing for equal participation. Hence, in addition to the feeling of ownership of the rights-based strategy, the foundation for future peace-building is set through the planning process. (UNDP, 2006: 5)

Similar results are noted in terms of greater sense of government ownership for overall UN development programming through alignment with the National Development Plan in Ecuador (UNSSC, 2010). The HRBA is also credited with promoting national level debate on the role of the Ombudsman in Chile (Action 2 project)

In Kenya, one HRBA project with German development cooperation support notes that the approach promoted a pro-poor orientation in the sector. As such, utilities can now extend services to areas of the poor long ignored by the formal service providers. (German Institute for Human Rights, 2010: 3)

One comprehensive non-UN independent attempt to assess the value of rights based approaches over traditional approaches, based on case studies in Bangladesh, Malawi and Peru, also concludes that “Both non-RBAs and RBAs lead to immediate impacts which benefit stakeholders. However, findings suggest that RBA projects are having considerably more success than non-RBA projects in attaining impacts that will lead to *sustained positive change*. RBAs tackle the underlying causes of poverty and disadvantage, and work in partnership with a wide range of stakeholders to address these causes. They link citizens and state in new ways and create systems and mechanisms that ensure that all actors can be part of accountable development processes.” (The United Kingdom (UK) Interagency Group on Human Rights Based Approaches, 2007: 8)

The HRBA would thus appear to add value in terms of sustained results by addressing structural causes of development problems and, in particular, through promoting participation, ownership and accountability. These may furthermore lay the foundation for the incremental realization of a range of related human rights.

### *Institutional arrangements*

It is notable that the effort to mainstream the HRBA system-wide has been implemented by an inter-agency entity that may itself represent a useful and dynamic development in the functioning of the UN. The Action 2 Global Programme, and now the UNDG Human Rights Mainstreaming mechanism (UNDG-HRM), is one of roughly a dozen human rights-related or other relevant interagency coordination mechanisms in the UN system, covering such agendas as rule of law and gender mainstreaming, most with a headquarters or policy focus<sup>13</sup>. As with the programme to “Deliver as One” at the national-level, these initiatives foster a movement away from the institution-specific, myopic, “silo” thinking that often characterizes UN approaches and activities. It represents movement towards a holistic perspective more conducive to internally coherent, focused, efficient and systems-oriented functioning. It also brings to bear more comprehensive and multi-disciplinary expertise, increasingly relevant to complex and cross-cutting situations. While fraught with its own challenges in terms of resources, communications and commitment, this growing consolidation and expansiveness thus shows noteworthy promise for system evolution at institutional, programming and practitioner levels.

Finally, it is remarkable that significant members of the formal UN system remain ostensibly outside the orbit of both human rights and HRBA application, namely the World Bank and the International Monetary Fund (IMF), as noted earlier. In particular, neither entity is represented in the UNDG-HRM. At the World Bank, it is of note that a Nordic Trust Fund and Knowledge and Learning Program for World Bank Staff on Human Rights supported by a \$20 million multi-year and multi donor Nordic Trust Fund for enhanced awareness among staff and possible activities in countries. However, engagement with human rights in principle, policy and practice remains extremely mixed. As an illustration of this observation, Shanta Devarajan, the World Bank’s chief economist for Africa, is quoted in a 20 June 2011 World Bank blog arguing that a concern for human rights was neither necessary nor sufficient to achieve health and education outcomes. “It is not necessary because countries that score very low on human rights indicators (for civil and political rights), such as China and Cuba, score high on various health and education indicators. It is not sufficient because countries that have constitutions with well delineated and judicially enforced human rights, such as India and South Africa, have relatively poor human development outcomes.”<sup>14</sup> While a fuller examination of the role of these institutions in human rights is beyond the scope of this present article, the point being made is that, in speaking of the role of the HRBA in the evolution of the UN system, the contributions of the World Bank and the IMF as members of the system themselves are marginal and at times possibly counter-effective.

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<sup>13</sup> See Action 2 Global Programme, 2008, Third Interagency Meeting On Implementing A Human Rights-Based Approach, 1-3 October, Tarrytown, New York, *Comparative Review Of Human Rights-Related And Other Relevant Interagency Coordination Mechanisms In The UN System*

<sup>14</sup> <http://blogs.worldbank.org/africacan/human-rights-and-human-development>

## **The HRBA and evolution in practitioners**

The HRBA advances a new kind of culture. One that, in addition to assuring technical expertise, is capable of holding a strong and dynamic enough vision of the UN and of the international human rights framework and of development to allow for solutions to flow naturally from beneficiaries themselves; one whose creativity can craft organic responses to capacity gaps rather than being beholden to mechanical functions; one that can allow for longer term processes to run their course; one that can learn and adapt. As one Turkey case study documents “Flexibility is an important ingredient in successful human rights-based programming. The joint programme was able to foster capacity-building among disparate groups of government and non-government representatives because of its ability to ‘meet people where they’re at’.” (UNFPA and Harvard School of Public Health Program, 2008: 8)

Flexible, organic, dynamic and responsive do not necessarily describe the general UN culture however. And it is impossible to separate the delivery of the UN universal values as a global political system and its constitutive institutions from its delivery by people, either as individuals or as a culture. The structure of the international civil service is based on a military-style, hierarchical bureaucracy where staff are assigned clearly defined functions, in most cases derived from prescribed inter-governmental mandates. This is reinforced by the significant role of Member States in developing and supporting mandates that shape the character and scope of action of the secretariat. While the governance framework varies from the Secretariat to the agencies and funds, and practices differ from headquarters to the field, the general culture revolves around this model. The result is a fairly mechanistic, risk-averse, myopic and slow-moving system. Darrow further notes that the internal incentives, accountability systems, and support structures do not generally tend to encourage courageous positions, but rather to subvert them (Darrow, 2009: 452). Hochschild (2010) underscores this characterization of UN culture, and additionally proposes that effective leadership and action in the system entails upholding UN values and norms and practising integrity. He asserts that it also involves creating space for independent action, political awareness, risk taking, tenacity, and promoting a compelling vision.

Nurturing such qualities in the UN system demands applying new tools, new ways of thinking, and in turn, nurturing a new kind of international civil servant. As Weiss asserts, “the UN needs to foster an environment that encourages and rewards creative thinking of the highest caliber” (Weiss, 2009: 211)

The HRBA is still in its early enough stages to explore how the dynamic and UN norms – reinforcing features with which it is imbued can cultivate such a culture among development practitioners and others in the UN system, building on existing experience and progress in this area. In terms of developing the HRBA methodology across the system, the current approach is one of traditional training and guidance notes, conveying the concepts and elements of the HRBA to UN staff. This is an indispensable component of the toolkit, and more can be done to meet the emerging need for a holistic vision of the practices, relationships and results the HRBA seeks. Such a vision could project potential impact by drawing on jurisprudence and clear benchmarks for indicators vis-à-vis the range of economic, civil, cultural, social and political

rights, outline a framework of best practices in programming implementation, as well as grow to comprehensively reflect learning experiences on the ground.

Another hub for learning among HRBA practitioners has been the online HRBA portal and HuriTalk discussion forums that allows practitioners, on a voluntary and semi-formal basis, to share experiences, practices and documentation. In moving forward to build a more adaptive and internally cohesive culture, more advanced methodologies may also usefully be employed. These methods would allow for systematic knowledge generation and ongoing whole system adaptation through, inter alia, harnessing and applying lessons learned and good practices, as well as providing consistent support, accountability, collaboration and coordination. Such processes facilitate greater system coherence in alignment with the human rights/HRBA vision, optimized responsiveness, and ultimately stronger results and country level impact.

While the features of a national human rights protection system are fairly well defined, in the more organic HRBA processes, it is likely that the traditional portfolio of programming, including legislative support, training and targeted services, would need to be supplemented by innovative measures for unanticipated gaps or opportunities. Some UN country teams are already demonstrating their resourcefulness, such as in Zambia where the UN supported the National Constitution Conference (NCC) and facilitated citizen participation through their representatives at the NCC or through e-discussion forums on the NCC website created by the UN. (UNDG, 2008: 5) It would enhance the service delivery role of the UN to further develop formal incentives for, or at least to reduce barriers to, creativity in programming responsiveness.

To be effective, practitioners must also be conscious of not being simply conveyors of rhetoric. As the Danish Institute for Human Rights asserts “Rights based organisations and their staff should move forward by setting an example and should focus on ensuring that the values of dignity, accountability, non-discrimination, participation are embedded in project implementation procedures as well as every day behaviour and attitudes.” (Kirkemann Boesen and Martin, 2007: 29) It would thus serve the objectives of the approach to also provide ongoing support for staff in incorporating these mindsets and perspectives into daily interactions and activities.

In promoting organizational change in these ways among its practitioners and processes, the HRBA has the potential to move the UN system forward towards greater responsiveness to its ultimate beneficiaries and thus improved effectiveness, with more fully owned national human rights protection systems and development achievements. It could translate into enhanced adaptability to larger global shifts and opportunities. It could mean systems thinking in action.<sup>15</sup>

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<sup>15</sup> Peter Senge notes "Systems thinking also needs the disciplines of building shared vision, mental models, team learning, and personal mastery to realize its potential. Building shared vision fosters a commitment to the long term. Mental models focus on the openness needed to unearth shortcomings in our present ways of seeing the world. Team learning develops the skills of groups of people to look for the larger picture beyond individual perspectives. And personal mastery fosters the personal motivation to continually learn how our actions affect our world." (Senge, P. 1990:12)

Such an approach could thereby strengthen the UN as a system, advance its evolution and support its resilience as an organization.

## Conclusion

The UN, facing increasingly intense challenges in the fulfillment of its mission, also harbours the potential for enhanced effectiveness, relevance, and legitimacy. The HRBA is emerging as one possible model for translating the organization's values into a more inclusive, dynamic, responsive and adaptive system of process and outcomes.

In substantive terms, qualitative preliminary examination of the impact of the approach at country level indicates that the HRBA adds value with sustained development results such as expanded health services and access to water by addressing structural causes of development problems. These gains are particularly fostered through promoting participation, ownership and accountability. These may furthermore lay the foundation for the incremental realization of a range of related human rights, including freeing rights holders to more fully pursue education and livelihoods.

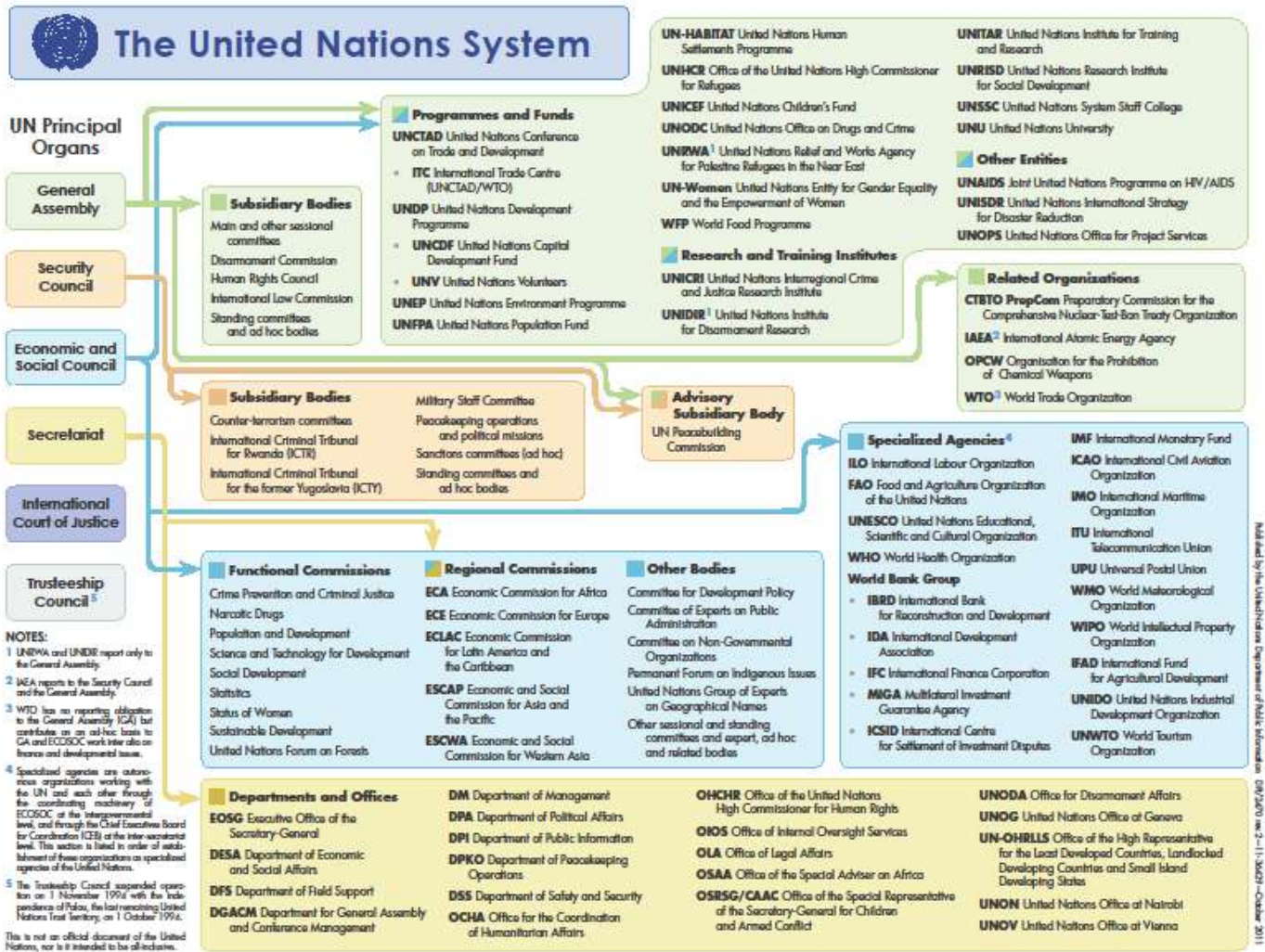
Regarding policy-level frameworks, indications are that in at least sixty countries the HRBA has largely managed to be ostensibly accepted by governments as a valid part of the package of development assistance. Important changes have also been registered with the inclusion of further human rights references in the 2010 MDG Summit Outcome document. These developments would seem to provide an opening for deeper integration of human rights in policy frameworks and related approaches for their operationalisation, as well as some mitigation at the global level of defensive politics around human rights. The HRBA thus appears to constitute one component of an evolving template for the core focus principles, programming and culture of the UN as a whole system.

With respect to programming, the HRBA is also central to inter-agency institutional arrangements that promote moving beyond myopic functionality towards more holistic, interdisciplinary and dynamic working methods. This is demonstrated by integration of the HRBA in UN Country Team programming and the UNDG Human Rights Mainstreaming mechanism. While it remains to be proven whether these result in sustained and viable modes of operation, such arrangements embody the inter-relatedness and interdependence that characterize higher levels of functioning as a holistic system.

Finally, the HRBA is shown to demand greater flexibility, openness, responsiveness and adaptability of practitioners and the organizations they represent. In this way, it potentially nurtures a new kind of culture in the UN that is more attuned to the needs of human rights holders and duty bearers and ultimately more instrumental in creating meaningful impact in keeping with the trends, circumstances and opportunities of the twenty-first century. Ensuring the growth of such qualities would most usefully involve the adoption of a holistic vision of the practices, relationships and results the HRBA seeks, clear related indicators and benchmarks, and advanced knowledge management and learning capabilities in order to comprehensively facilitate adaptation to learning experiences on the ground. These developments further propel the advancement of the UN as a dynamic and integral system.

Through contributing to substantive impact and policy frameworks, more coherent institutional arrangements and programming, as well as a more dynamic and responsive functioning and culture, the HRBA can thus potentially play a significant role in the evolution of the UN towards a more viable and effective system. These developments are particularly significant in light of the growing influence of alternative multilateral arrangements, and the need for renewed assertion of the UN's universal values driven legitimacy. Support for this approach may thus amount to an investment not just in the viability of the future of the organization but in the viability of a system for the future well-being of our planet.

# ANNEX



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