WORKING TOGETHER
The Human Rights Based Approach to Development Cooperation
Stockholm Workshop 16–19 October 2000

Part 2
Report of the donor workshop
17–19 October

I believe we can say that the ultimate aim of development is the stage where all human rights are guaranteed and enjoyed by all. To achieve this, we must work together to find ways of integrating human rights with development programming — ways of implementing, at all levels, a human rights-based approach to development — an approach based on the principles embodied in the various international instruments on human rights.

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Foreword

In October 2000 the Swedish Ministry for Foreign Affairs, the Swedish International Development Cooperation Agency (Sida) and the Swedish NGO Foundation for Human Rights convened a workshop on the human rights approach to development cooperation. The workshop was facilitated by André Frankovits and Patrick Earle of the Human Rights Council of Australia (HRCA).

Most of the bilateral and multilateral agencies and non-governmental organizations that were invited already have policies on the inter-relationship between human rights and development cooperation. However most of them are also grappling with what changes in practice flow from the increasing policy emphasis on human rights in general, and economic and social rights in particular.

The workshop, therefore, aimed to bring together donor organizations and NGOs to share experiences and lessons learnt in the process of mainstreaming human rights. Arising from these experiences and lessons, the workshop was designed to identify obstacles to and explore practical ways of implementing a human rights based approach.

Held over four days, the workshop was divided into three complementary sessions. The first day and a half was devoted to NGOs so that they could exchange experiences and ideas for applying the human rights approach to their own activities as well as to identify areas where greater cooperation with donors was possible and necessary. Following this, one afternoon was set aside for an interaction between NGOs and donors, focusing on recommendations arising from the NGO workshop. Finally, a day and half was allocated to donors' examination of the issues. This was followed by a panel discussion open to other Ministry and Sida officials, NGOs and wider public participation.

Participants represented the diversity of organizations involved in development policy and practice – bilateral donors, multilateral donors, consultants representing donor agencies, Ministry for Foreign Affairs officials, international development NGOs supporting the work of grassroots NGOs, international advocacy NGOs, and grassroots development and human rights NGOs from developing countries.

This report is an account of the donor part of the workshop that took place on 18 and 19 October 2000 and includes some of the presentations and background papers available at the workshop. Papers presented and discussed during the workshop appear in the body of the report and those provided as background prior to the workshop are in the appendices. The report should be read in combination with the report of the NGO part of the workshop held over the previous two days. The report has been drafted by André Frankovits and Patrick Earle and does not necessarily reflect the views of the Swedish Government, the Swedish NGO Foundation for Human Rights or of the other participating organizations.

In accordance with one of the recommendations of the workshop, the report will be posted on the web sites of Sida, the Swedish NGO Foundation for Human Rights and HRCA and made available on other organizations' sites. The report will also be linked to the Global Human Rights and Development Forum web site. The hope is that the dissemination of the report will assist like-minded institutions to assist – in the words of Sweden's policy for poverty reduction – with the task of 'mainstreaming human rights values in all cooperation programmes … which is a qualitative prerequisite for success in the global fight against poverty".

Preface

Mainstreaming a human rights perspective in
Swedish bilateral development
Opening remarks by Carin Norberg, Sida Director

I have been asked to say a few words on
mainstreaming a Human Rights Perspective in
Swedish Development Cooperation.

Let me start by quoting a passage from this year's
Human Development Report which, for the first
time, tries to marry the development perspective with
the human rights perspective: "Human rights are not,
as has sometimes been argued, a reward of
development. Rather, they are critical to achieving it".

I believe that this quote points to the core of our
discussion at this seminar.

Admittedly, human rights were not, until let us say
ten years ago, a main issue in Swedish development
rhetoric. I have myself many times wondered why.
My answer is that 'human rights' had been so much
integrated into the very concept of 'a welfare state or
system' that we no longer recognized its true
character. Then, you also had the agenda of the Cold
War which contributed to a somewhat distorted –
some may say politicized – discussion.

The Swedish, or rather the European model of a
welfare state did/does emanate from the vision that
it is the role of the state to create conditions which
are conducive to development and which enable the
individual to use his/her maximum capacity
independent of the limitations caused by gender,
class, religion, ethnicity etc. This is of course the
ideal vision. (I find it paradoxical and disturbing that
while we are raising awareness of human rights in
our development cooperation work, the same
governments are paying less and less attention to
these aspects in their own welfare programs and
models.)

The concept of the welfare state is thus a concept
based on a human rights perspective. Every
individual has the right to education, health and to
decent working conditions, as well as to organize and
participate in free and fair elections.

We have seen how a fairly heavy-handed neo-
liberal agenda during the eighties and nineties changed
this perception of the state as a benign power.

Now we are again coming back to the human
rights perspective and I welcome this development
very much.

If we look at Swedish Development Policy some
very important documents have been presented and
discussed by the Swedish Parliament during the last
four years. I am thinking of the Government White
Papers titled 'Democracy and Human Rights in
Sweden's Development Cooperation', 'Human Rights
in Swedish Foreign Policy' and 'The Rights of the
Poor – our Common Responsibility'.

The mainstreaming aspect has been central to the
implementation of these policy documents in
programmes on human rights and democracy, peace,
gender and poverty.

At the beginning of this year, the Swedish
Government established a Parliamentary committee
to look into the development of a new Swedish Policy
of Global Development, aiming , among other
things, at integrating the various policy documents
and White Papers on specific issues such as
democracy and human rights with a regional and
global perspective. The Committee will present its
findings to the Government in October next year and
we expect that its report will form the basis for a new
Swedish Integrated Policy on International
Development Cooperation.

What have we been doing so far?

First of all, in order to ascertain a coherent implementation of the Democracy/Human Rights policy document, a Consultative Group has been established between Sida and the Ministry for Foreign Affairs. This group meets every second/third month. Linked to the Consultative Group there is a working group.

Second, country strategies were identified very early in the process as key management tools for the mainstreaming process. The first democracy and human rights-based strategy for Zimbabwe has also been used as a model for other country strategies and a more generalized model has been developed to inspire those who initiate strategy work.

Third, within both the health and the education sectors the rights-based approach has been developed. We have recently produced a brochure called 'Education for all – a Human Right'. In our new policy on culture we say that "the objective of cooperation in the field of culture and the media is to create opportunities for cultural diversity, creative activities and sustainable development based on human rights".

Sida has also paid special attention to the rights of the child. We have developed guidelines for ourselves and our partner organizations both in the field of humanitarian assistance and in Swedish Development Cooperation. While the latter are primarily intended for our own staff, we believe that others would also find them useful. In these guidelines we try to identify what a mainstreaming perspective means in different sectors.

For all these processes at macro and micro levels the importance of dialogue is recognized.

Fourth, capacity building within Sida and the Ministry for Foreign Affairs has been central to the mainstreaming perspective. A special applied course has been developed. A shorter sensitization training has been provided to all MFA's and Sida's operational staff. Special training sessions have been organized for heads of divisions and heads of departments. A democracy and human rights network has also been set up.

Fifth and last, external exchanges have been made with experts and practitioners in the area. Among them are officials of the UN System as well as counterparts within the OECD/DAC, Nordic and British cooperation agencies. Exchanges have been organized with a number of Swedish NGOs and some consultant groups.

During the last couple of years Sida has increased its capacity quantitatively and qualitatively in the fields of human rights and democracy. We have today three regional advisors on human rights and democracy in Harare, Nairobi and Bangkok. In addition, we have human rights and democracy programme officers at several embassies.

Within my own department we have a division for Democratic Governance interlinked with the divisions of Culture, Education and Health.

Other departments are increasingly working with issues linked to a human rights and democracy perspective.

And what have we achieved?

There are so far very few impact studies of human rights and democracy projects as such. I therefore welcome the initiative of our Evaluation Secretariat to look at the evaluability of democracy and human rights projects. The report will be published this month but is already available on our web site. It is now my hope that we could also initiate an evaluation of the mainstreaming perspective.

Such an exercise could maybe form the basis for an exchange of ideas among us who are here today. Thank you.

Executive Summary of Donor Workshop

After close on ten years of discussion on the relationship between human rights and development cooperation, there is today a widespread acceptance of the link between the two. This link is reflected in the policies of many donors.

Not unexpectedly, different agencies have placed different emphases on various aspects of this relationship with some focusing on distinct projects and programmes on civil and political rights and others exploring the potential of a human rights approach to enhance the effectiveness and sustainability of their projects.

With the latter approach in mind the Swedish Ministry for Foreign Affairs, Sida and the Swedish NGO Foundation for Human Rights in association with the Human Rights Council of Australia invited donor organization practitioners to bring their own programmatic experiences to the workshop with the aim of charting some future directions and identifying possibilities for future collaboration.

A brief review by participants of existing agency approaches and experiences highlighted the wide range of interpretation and progress made in applying the human rights approach. In doing so the review pinpointed the need for clarity and common understanding on what is meant by the human rights approach. This range of experiences enhanced the subsequent discussion of very practical questions.

These questions focused on common issues that have arisen in many agencies:

– The added value of the human rights approach.

– The practicalities of conducting a human rights analysis.

– How to create change and build support for the human rights approach within agencies.

– The need for cooperation and collaboration among agencies and other development actors.

– The relationship between the poverty approach and the human rights approach.

Presentation of a number of actual case studies and examples grounded the workshop discussion and demonstrated the value of shared experiences.

It was striking that, while there was broad acceptance of the legal, moral and ethical imperative of the human rights approach, there was also a common feeling that the 'added value' of the approach had to be identified and communicated to professional colleagues since scepticism about the approach remains widespread.

Participants agreed that the human rights approach brought the following to good development practice:

– a common and accepted framework enshrined in international law;

– a common basis by which to hold governments, their agents and the non-governmental community accountable;

– improved and standardized methods of analysis which expose areas of greatest need;

– benchmarks for measuring more accurately the outcomes of development assistance; and

– a process which increases sustainability through the meaningful participation of the stakeholders.

Workshop participants agreed that implementation of the human rights approach in country or sectoral programmes called for a human rights

situational analysis. This had been stressed in the NGO part of the workshop and was reinforced by donor participants. Such an analysis requires an understanding of specific human rights. The analysis needs to take account of the degree to which each right is 'respected', 'protected' and 'fulfilled'. It is an understanding of the nature of the government obligations to respect, protect and fulfill human rights that enables a sufficiently detailed analysis of priorities and where resources, advocacy and action should be targeted. The UN Manual on Human Rights Reporting and the General Comments of the UN Treaty Bodies are useful reference materials on the meaning and core content of each right. Unfortunately, the UN Manual on Human Rights Reporting remains underused as a practical guide to establishing objectives and appropriate indicators of progress.

In the process of conducting a human rights analysis, the Concluding Observations of the UN Treaty Bodies and governments' periodic reports to them should be referred to by donors. The UN human rights monitoring system, including the ILO, already has and continues to produce a wealth of general human rights and country-specific information relevant to development agencies. However, the UN could do more to disseminate this information and agencies could do more to access and request it. The fact that they rarely do so is at least partly due to staff being unaware of the potential or relevance of these useful tools to their own programming.

The workshop heard of two examples of agencies conducting a human rights analysis. One was the Zimbabwe country analysis by the Embassy of Sweden – a model of its kind – which looks at each right in the International Bill of Rights in turn, refers to the relevant comments from the Treaty Monitoring bodies and situates it within the context of poverty and partnership. A similar approach to situational analysis is found in the Nepal UN Development Assistance Framework (UNDAF). Participants stressed that the analysis had to focus equally on economic, social and cultural rights as on civil and political rights.

Experience of translating human rights analyses into goals and objectives and to identify strategies to implement them is not extensive. The case of Zimbabwe exposed the difficulties facing agencies drafting country strategies based on a human rights analysis in situations of crisis. By contrast the Nepal UNDAF is an example of an attempt to identify broad human rights objectives and devise strategies to meet the objectives in a stable situation that is positive to human rights. Individual UN agencies in Nepal are now in the process of translating these broad objectives into more specific programmatic goals in collaboration with the Nepalese authorities and civil society.

Participants pointed to the need for structured training programmes for staff at all levels. In order to apply the approach there is a need for awareness raising among policy makers and programmers about human rights and what the human rights approach means. However, participants noted that human rights training should not be separated from regular training for fear of compartmentalization. The experiences of NGOs such as CARE International and Save the Children that had done extensive work in this field should be tapped by donors.

Donor workshop participants agreed with their NGO colleagues that senior management needs to show leadership in promoting the human rights approach within agencies. This must be tempered by

patience and understanding since imposition of the approach on sceptical professionals can increase rather than overcome internal opposition. It is important to stress the consistency of the human rights approach with existing best practice. Using the existing experiences of field workers who are sometimes actually applying the approach in all but name at the micro level is a necessary factor in convincing colleagues of the value of the approach at the macro level.

The issue of coordination and collaboration among donors came up repeatedly in the workshop. The different programming cycles of bilateral agencies, the UN, the World Bank and of recipient governments was illustrative. The example presented to the participants of the UNDP Local Governance project in South Africa exemplified the problem of recipients playing donors off against each other when these do not coordinate their assistance. This highlighted the need for increased consistency in applying the human rights approach among like-minded donors. Moves towards greater coordination and cooperation between agencies are increasing and this is reflected in emerging strategies such as the UNDAFs and the Comprehensive Development Frameworks (CDF). These need to be grounded in common standards and one of the 'added values' associated with the human rights approach is that it is based on an accepted international framework which brings coherence into development work.

Yet the human rights approach has still to find its way into the thinking and practices of two of the most influential development institutions – the World Bank and the Development Assistance Committee of the OECD (DAC). Both need to be brought into the dialogue. Donors with human rights policies have a key role in injecting the human rights approach into the thinking of these institutions and in supporting its acceptance. The example of the Poverty Reduction Strategy Papers (PRSP) was raised as a challenge to bilateral donors. These do not take account of the human rights based approach and bilateral donor policy commitments to human rights have not been reflected in the PRSP framework or process. Similarly, discussion of human rights in general and of economic, social and cultural rights in particular has not featured in the DAC discourse on poverty.

The value of inter-agency collaboration and cooperation in the process of applying human rights policy to practice was emphasized by participants. It was clear that agencies face many of the same issues and that some forum for sharing the lessons should be established, possibly through the DAC. There were calls for the creation of opportunities for colleagues to question and explore the approach with each other.

Participants referred repeatedly to the poverty reduction approach which in some quarters is seen as an alternative to the human rights approach. There was agreement that looking at poverty through the human rights lens – as a denial of human rights – enables a richer understanding of the different dimensions of poverty and encourages a more comprehensive policy response to the structural causes of poverty. Both official donors and NGOs were concerned that the poverty focus of agencies and poverty reduction strategies were not linked to an understanding or consideration of human rights. Thus, donors should collaborate in drawing the link between human rights and poverty in discussions with the Bank which, is after all, under the directorship of individual governments.

The point was stressed repeatedly that the promotion of human rights is not an arcane science but that it is based on some basic principles that

should guide a human rights approach to development cooperation. There is no mystical value attached to these principles but the moral and legal dimension of human rights, coupled with the genuine participation of people, which is their right, will underpin the sustainability of development efforts aimed at eradicating poverty.

Finally, participants agreed that the critical lack of empirical data on the application of the human rights approach can only be addressed through the initiative and commitment of donors to implement their own policies. Further workshops should be organized that will for example tap the expertise of economists within donor agencies or explore the implementation of specific human rights such as the right to health or education in a more focused way. Participants suggested that the report of the workshop be made widely available.

These initiatives can and should build on the momentum for the promotion of the human rights based approach to development cooperation worldwide.

Human Rights Based Approaches – Overview by the Human Rights Council of Australia

Background

The past ten years have seen a remarkable growth in interest in the promotion of what has become known as 'a human rights approach to development'. The impetus for this came from the end of the Cold War and from the UN global Conferences of the nineteen-nineties. It arose from a realization that the end of east-west rivalries and a simple focus on economic reform did not automatically bring about improved living conditions for the world's poor and that the growing gap between rich and poor presented a threat to peace and security.

Questions began to be raised about the sustainability of past development efforts and the causes underlying continued violations of human rights. The tragedy of the genocide and massacres in Rwanda in 1994 provides possibly the starkest example of the human cost of failing to address issues of discrimination, intolerance, hate propaganda, exclusion and inequality in the development process.

The East Asian economic crisis of the late 1990's highlighted the fragility of advances made in poverty reduction that were measured simply by growth in GDP and average increases in daily income. The end of the Cold War also served indirectly to refocus minds on economic, social and cultural rights that had been seen previously as being the special preserves of the socialist bloc countries. These had used the promotion of the rights in the Covenant on Economic, Social and Cultural Rights quite politically as a response to the focus of the West on promotion of the Covenant on Civil and Political Rights. This renewed focus on economic, social and cultural rights coincided with promotion of the argument led by some authoritarian Asian governments that the priorities of the West were skewed and that the Right to Development endorsed the proposition that feeding the hungry comes before the granting of political freedom.

These arguments – alongside cultural relativism – were laid to rest at the Vienna World Conference on Human Rights and at the Copenhagen World Summit for Social Development. The universality, indivisibility and interdependence of all human rights were

reaffirmed and, even if grudging by many governments, this reaffirmation gave hope and legitimacy to all human rights advocates. Subsequent global Conferences on the rights of children and of women confirmed the trend and provided extra tools for human rights defenders who can put to good use the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women that incorporate both economic, social and cultural as well as civil and political rights in each document. After the era of standard setting, there is a global consensus that the human rights challenge has become one of implementation. This is reflected in the importance placed on plans, platforms and programmes of action at the Conferences of the 1990s.

Globalization has proceeded apace since the Vienna Conference. Regrettably, this has not resulted in equal development and justice for all. The gap between rich and poor has been increasing and growing poverty has finally been identified as a violation of human rights. While the levels of official development assistance have been dropping in many instances, its focus on poverty has grown to counterbalance some of the negative impacts of the market and thus to support the realization of the human rights of the poor.

In response to demands for more effective results for aid and public pressure calling for greater attention to human rights, most donors have now formulated policy statements on the role of human rights in development cooperation.

Development NGOs in particular have largely welcomed the trend among many donors toward a more singular focus on poverty and away from the tendency to use aid to further trade, strategic or other foreign policy objectives while remaining critical of governments resisting this trend.

Integration of human rights into development programming

As donor agencies seek to translate policy commitments into action a variety of approaches have emerged. Some still focus in the main on the promotion of civil and political rights and consequently the integration of human rights is seen as an additional programme area. Others are struggling to work out how they can integrate human rights into their practical development work.

Some bilateral donors speak explicitly about the 'human rights based approach' and are working actively to elaborate methods by which to implement it. Others prefer to implement the approach without referring to it by name in their dialogue with recipient governments. A number of European donors speak about the indivisibility of human rights while their programmes still only reflect the promotion of civil and political rights. As a consequence the policy emphasis on human rights has resulted in more resources and programmes on the justice sector, legal and electoral reform, and support for national human rights institutions. At the same time many donors in their focus on poverty reduction programmes do not make reference explicitly to relevant economic, social and cultural rights in general or to the human rights of poor people in particular.

One of the major stumbling blocks to a more complete integration of human rights into development programming seems to be the lack of widespread understanding and knowledge of economic, social and cultural rights. Regrettably the focus on poverty and the increasing emphasis on human rights are often seen as separate, unrelated and sometimes divergent policy approaches. This is illustrated by the absence within the OECD's Development Assistance Committee (DAC) of

a working group specifically looking at the human rights based approach and a failure to take economic and social rights into account within the discourse on poverty.

The selective interpretation of human rights is associated within some European donors with a policy of encouragement or 'positive conditionality' whereby only those recipient governments that demonstrate respect for and promotion of human rights are provided assistance or whereby aid is increased in response to a demonstrated commitment to human rights and 'good governance'. Some donors make the provision or continuance of aid actively conditional on adherence to human rights principles. Most donors agree, however, that while negative conditionality must be a last resort in cases of gross abuse of human rights, there is a risk that conditionality itself can result in violations of human rights and of economic, social and cultural rights in particular.

One of the reasons that the human rights approach has attracted such interest is that it provides a way past discussion of negative human rights conditionality and focuses on the positive contribution that properly focused aid can play in the realization of rights. As such, the approach is consistent with trends in development policies that highlight the importance of both the commitment to sustainable outcomes by aid recipient governments and their acceptance of the responsibility for these outcomes. Examples reflecting these trends are increasing.

Some examples

The Swedish Government has been in the forefront of elaborating comprehensive policies targeting human rights: 'In adopting a rights perspective, Sweden's ambition is to support the struggle against poverty by using its development assistance to improve human rights observance … Poverty is equivalent to peoples being prevented from enjoying their human rights, and poverty's many dimensions are exacerbated by lack of democracy, participation, and empowerment of the poor.' Sweden's recently-drafted guidelines for a human rights analysis included in this report are a welcome and helpful contribution to the pool of information on how to use international human rights to frame country strategies.

In a similar vein the UK's Department for International Development (DFID) bases its integration of the human rights approach into development on three principles: 'participation', 'inclusion' and 'obligation', thus highlighting the accountability of governments to the realization of rights. DFID has taken its lead from the Minister for International Development and has drafted a number of policy documents, including its *Human Rights for Poor People*. This points out that the progressive realization of human rights 'requires resources and strategic planning for medium and long-term action', and stresses that the 'participation of civil society in the development and monitoring of action plans and targets at national and local levels further increases the responsiveness of the state to the needs and participation of citizens'.

DFID states that performance standards are central to ensuring accountability of the state for its obligation to promote all human rights and – reflecting one of the major empirical challenges posed by the approach – the Swiss Government recently hosted a major international conference on statistics, human rights and sustainable human development whose outcome will prove useful in exploring human rights benchmarks.

UN agencies have also been exploring new ways of addressing the challenges posed by poverty and under-development. In the context of UN reform the Secretary-General has called on all agencies of the UN to integrate human rights in their activities. Accordingly, the UN is in the forefront of applying a human rights approach to its development activities.

The first UN development agency to adopt human rights as its guiding principles was UNICEF when it took on the Convention on the Rights of the Child as its mission statement. The initial reaction of UNICEF programme staff at headquarters and in developing countries was that, while they supported the mission statement in theory, it was difficult to grasp what difference this new mission statement would bring to their on-the-ground activities. This reflected – as with many other aid professionals – a healthy scepticism about yet another new framework within which they had to deliver product, a scepticism which is still present among many development professionals to this day.

In response to these calls for greater clarity about the practical implementation of the new approach, the UNICEF Executive Director, Carol Bellamy, in 1998 issued new guidelines to assist the translation of the policy into practice. This document was careful to explain that the mission statement did not mean that everything UNICEF did had to change. It pointed out, however, that "…The policies and programmes of cooperation supported over the past 20–30 years are largely consistent with the provisions of the CRC and CEDAW. However, *the ways in which we promote positive changes for children and women sometimes need to be changed* (emphasis added)."

The guidelines were welcomed by many within UNICEF and without. Yet some in UNICEF have pointed out that the document still does not offer sufficient clarity about precisely what are the *practical* changes alluded to in the guidelines. While it would be impossible to devise a set of programming guidelines that would fit every country situation – this would negate any meaningful situational analysis that is at the heart of the rights approach – it has been argued that there could be more prescriptive advice in the Executive Director's guidelines to help the implementation of identified human rights objectives.

Some issues that arise include such questions as how *does* one go about identifying the most deprived and disadvantaged groups in order to target programmes to their needs? How *can* UNICEF assist local government structures and officials in a decentralized system with the resources to take on the responsibility for delivering on rights? To what extent *should* UNICEF be more explicit about its human rights mandate in its advocacy and in its use of human rights language? What is the responsibility of UNICEF staff towards giving children and women their voices? How *much effort* needs to be put into achieving greater cooperation on the realization of rights among development partners and to gain greater acceptance of the human rights approach by other agencies?

As one of the few examples of an attempt to translate policy commitments to human rights into core programming guidelines UNICEF's experience offers useful lessons for others. UNICEF's strong commitment to the Convention on the Rights of the Child has led to a number of programming changes including an increased focus on advocacy, on issues of children's participation in decision making and greater ongoing interaction with the UN Committee on the Rights of the Child. UNICEF Country Offices have been encouraged to apply the human rights approach in ways appropriate to their different contexts.

In 1998 the UNDP published its policy document, 'Integrating Human Rights in Sustainable Human Development'. It is a breakthrough document because of its emphasis on rights of participation, rights to food, health, habitat and economic security, right to education, right to work and so on. Possibly for the first time a development agency focused specific attention on the International Covenant on Economic, Social and Cultural Rights.

The document makes it clear that one of UNDP's main goals is to promote cooperation between the UNDP and the Office of the High Commissioner for Human Rights. Since her appointment, High Commissioner for Human Rights Mary Robinson has been speaking out on the importance of the right to development and of economic, social and cultural rights and it was thus to be expected that the UNDP policy document focuses a great deal of emphasis on these rights.

UNDP has in fact taken a lead in collaborating with the Office of the High Commissioner through the human rights strengthening project (HURIST). Following the signing of a memorandum of understanding between UNDP and OHCHR, the HURIST is now being piloted in the five geographic regions under five different 'windows'. In this it is making a serious attempt to translate the 1998 policy document into practice with not inconsiderable success to date. Countries in Africa, Asia, the Arab states, Latin America and in Eastern Europe have now sought assistance with the formulation of a national human rights action plan. A number of other countries have sought technical assistance mainly in the area of economic and social rights.

South Africa is one of the few countries in the world that has integrated economic, social and cultural rights in its Constitution. With assistance from UNDP and other donors, South Africa has formulated a national human rights action plan which takes as its framework the International Bill of Rights. The Plan – the product of considerable consultation at the national and local levels – is so detailed that it virtually resembles a national development plan. One important component is the inclusion of the financial implications of the implementation of the various aspects of the plan.

Spurred on by the UN Secretary-General's call for the integration of human rights, with the participation of the Office of the High Commissioner of Human Rights the UN Development Group has elaborated the UN Development Assistance Framework, the UNDAF. The UNDAF is the planning framework for the development operations of the UN System at country level and consists of common country objectives and strategies of cooperation, a programme resources framework for follow-up, monitoring and evaluation.

The first step for the preparation of the UNDAF is the Common Country Assessment (CCA) which is a country-based process for reviewing and analyzing the national development situation and identifying key issues as a basis for advocacy and policy dialogue. The CCA involves the government, non-governmental organizations, research institutions, local communities, representatives of women's organizations, the private sector, the donor community and the Bretton Woods Institutions. The CCA is designed to generate a common understanding of the causes of development problems as well as the needs and priorities of the country. Its scope covers national priorities and needs and the status of the follow-up to UN conferences and the implementation of UN conventions and declarations.

The UNDAF is designed to help identify priorities for United Nations action in developing countries. It seeks to avoid duplication and waste, to harmonize the programme cycles of the United Nations funds and programmes and to formulate common objectives and time frames "in close consultation with governments".

A number of UNDAFs have already been drafted based on country-specific CCAs. The most innovative and the one that can most ably serve as a model for the setting of human rights objectives is the Nepal UNDAF. In terms of analysis, the setting of human rights objectives based on the Covenant on Economic, Social and Cultural Rights as well as on the Covenant of Civil and Political Rights and the participation of government and community, it stands alone.

The World Bank itself is also looking more closely at the social dimensions of its activities. The Comprehensive Development Framework is an attempt to look more broadly at the Bank's work and its President, James Wolfensohn, has initiated discussion within the Bank about the relationship between social and economic development. Participation has been recognized by the Bank as an important factor in its programme design and is integrated in the process for the formulation of Poverty Reduction Strategy Papers.

It is unfortunate, therefore, that with all the emphasis on coordinated approaches by both the UN (UNDAF) and the World Bank (CDF and PRSP), there is so little convergence of approaches between these development actors. It is also striking that there is virtually no reference to human rights in the Bank's country analyses and that human rights feature only marginally in the deliberations of the consultative groups convened by the Bank. This is despite the increasing emphasis on human rights in the policy statements on aid of the bilateral donors whose governments make up the board of the Bank.

Fantu Cheru, the UN Special Rapporteur on Foreign Debt and Structural Adjustment Programmes has pointed to the way that the PRSPs of the World Bank 'are now the key gatekeepers in any country's capacity to access resources from the International Financial Institutions'. Yet after reviewing the nineteen Interim PRSPs, he found that none of them included any human rights language at all.

NGOs

Different types of development NGOs have various roles to play in promoting the human rights approach to development. International development NGOs (INDGOs) fall into two broad categories. Some such as NOVIB act as intermediaries between the governmental donors and their local partners in the South in the delivery of aid and as such are seen as donors in their own right. Others, such as the major charitable organizations develop programmes and projects with their partners in developing countries. Development NGOs in the South also fulfil different functions. Some are conduits for funding from their colleagues from the North while other grass roots NGOs have a presence at the community level. Finally a number of international NGOs (INGO) play an important advocacy role with relation to development debates.

Some of these INGOs have actively been exploring the human rights-based approach to development. The Human Rights Council of Australia and Rights and Humanity have been focusing on the guiding principles and practical implications of such an approach since the early nineties. Advocacy INGOs such as Foodfirst Information and Action Network (FIAN), the Center on Housing Rights and Evictions (COHRE), and

Minority Rights Group have begun to apply the approach to their own programmes and in their advocacy work domestically and internationally. There is increasing work done in suggesting ways that donors might meet their responsibilities for the realization of human rights through international cooperation as called for in the UN Charter and in the human rights instruments. More recently, development NGOs such as CARE International, Save the Children and Oxfam have themselves adopted human rights within their mission statements.

The larger international development NGOs are sometimes perceived by grass roots development NGOs as nearly as powerful as the official donors. They employ significantly more staff than some of the smaller official European agencies and they have become a favoured conduit for the delivery of official aid and particularly emergency humanitarian assistance. It has been suggested that this expanded role of service delivery sometimes sits uncomfortably with their advocacy role and with their self-image as NGO partners of the poor.

Some of the INGDOs have now considerably broadened their understanding of the relationship between human rights and development. At one time this was limited to the issues of whether and how to safely monitor violations of civil and political rights. Some INGDOs have taken up a more explicit human rights approach to their work. Just like their official counterparts, they are grappling with the changes that the human rights approach means in practice at the sectoral, programme and project level. Interestingly, staff attitudes in these organizations parallel those within official donor agencies. One of the challenges in the promotion of the human rights approach to development cooperation is how to encourage discussion between INGDOs and official bilateral and multilateral agencies since some, such as CARE and Save the Children, have at times progressed further in the development of staff capacity in dealing with the human rights approach. In the spirit of participation and partnership, much could be gained from greater collaboration and exchange of information on staff development in the approach.

For most international advocacy organizations as well, the emphasis has been on the tried, trusted and effective human rights methodology of documenting and exposing violations and developing more relevant and effective international instruments. It is only relatively recently that they have begun to look at the relevance and implications of governments' international human rights obligations as they relate to aid. Although for the most part not operational, their expertise in economic, social and cultural rights also has much to offer development agencies.

Development professionals are always calling for more precision about the added value of new approaches to aid and this is the case with the human rights approach. While this is an understandable demand from professionals who need to demonstrate the cost effectiveness of the aid dollar, human rights activists point to the moral and ethical as well as the legal imperative to promote cooperation for the realization of human rights.

Exchanging Perspectives – Joint NGO-Donor Session

Following the NGO workshop on 16–17 October, non-governmental organizations met in a joint session with representatives of bilateral and multilateral donors attending the workshop to

consider some of the recommendations from the NGO workshop (see table). Unfortunately, the time allocated to this session was somewhat limited, yet it generated a good exchange of views that raised some issues which were later discussed in the donor workshop. The recommendations were directed at donors but many were applicable as well to development NGOs from the developed countries.

It was acknowledged that in the process of globalization the private sector has become an important instrument for development and bilateral donors should not be seen as the only ones responsible for the realization of human rights – primary responsibility, of course, still rests with national governments. However, the capacity of governments to progressively realize rights is affected by the policies of others. For instance, the international financial institutions have been criticized for the way that privatization of state assets is equated to good governance and seen as best practice. In too many cases this leads to the state relinquishing the responsibility for the realization of rights. In response to the criticism it is claimed that this is a matter of private negotiations and there is little opportunity to influence the process. NGOs pointed out that it is important, therefore, that the bilateral donors begin to influence these institutions to accept their responsibilities and to work to ensure appropriate accountability mechanisms.

The view was expressed by NGO participants that some of the European donors with strong commitments to human rights are not pulling their weight with the International Monetary Fund (IMF) to encourage an examination of the human rights impact of its policies and that some are actively opposing the evolution of international accountability mechanisms.

While the World Bank has adopted a participatory approach to the formulation of its Poverty Reduction Strategy Papers (PRSP) for the poorest countries, it has not integrated the human rights based approach nor is any reference made to human rights. It was suggested by NGOs from both North and South that in order to ensure more meaningful participation more time should be allowed for civil society input into the PRSPs. The International Forum for Indonesian Development (INFID) in particular argued that on the basis of the Indonesian experience NGOs should be invited as full partners to the Bank-hosted donor Consultative Group meetings. NGOs were of the view that the bilateral donors have an important role to play in influencing the Bank to incorporate rights in its analyses and programmes, injecting their own human rights analyses in the preparation of the PRSPs. Indeed, the poverty reduction approach not only needs to take account of human rights, but has to make explicit that the denial of civil, cultural, economic, political and social rights is at the root of poverty.

NGOs argued that development agencies should explicitly be assisting partner governments in meeting their human rights obligations and in becoming accountable for their policies and practices. This assistance needs to include remedial action in case things go wrong and this should apply equally to donors themselves. In this context it is important that donor countries do not send mixed messages and thus there is a need to avoid the compartmentalization of human rights within an isolated section of government. Rather, the development policies of the donor government should impact across ministries and departments, for example, trade and finance ministries.

The importance of addressing economic social and cultural rights had come up repeatedly in the workshop and donors were encouraged to integrate these in their analyses. The reports of the UN treaty bodies and accounts of the violations of human rights by civil society organizations should help guide country strategy and programme design. Unfortunately, there are many government officials who are not even aware of such sources of information and are ignorant of the bodies that generate them. UN representatives at the session pointed to the availability of this type of information on various websites while the UNDP routinely provides it to its resident coordinators. Nevertheless there is a need to build the capacity of bilateral donor staff with relation to the UN system and the normative and core content of rights.

To this end, appropriate human rights training was strongly endorsed by both donors and NGOs. The experiences of CARE International and Save the Children were particularly relevant in how to bring staff on board. The importance of a wide awareness and understanding of what the human rights based approach is – standards, obligations, accountability, root causes of poverty – can not be over-stressed. This depends on a strong direction from senior management but cannot be left to this alone. There is a need to emphasize the practical relevance of the approach while taking care not to deny the effectiveness of past approaches and emphasizing their continuity with the human rights based approach. Neither should the sensitivity of advocacy on human rights be underplayed.

The NGOs were in agreement with those donors who advocated an improvement in coordination of development efforts. To a certain extent this already happens with UN agencies through such mechanisms as the CCA and the UNDAFs. However, there is a need for greater exchange of experiences with human rights based approaches and sharing of human rights analyses among donors. While there are far too few documented cases to take as models, there is a great deal of programming consistent with the human rights approach already happening in the field and the challenge is to adopt a 'bottoms up' approach to encourage and enthuse the higher ups. This is one way of convincingly demonstrating to the sceptics the value-added of the approach.

The question of meaningful participation engaged both donor and NGO participants. NGOs were somewhat critical of the way that civil society and non-governmental organizations were excluded from the decision making process. This certainly applied to the World Bank and the IMF but was also relevant to situational analyses and the drafting of donor country strategies.

A number of issues were raised by the donor representatives. Genuine and meaningful participation is perforce a time consuming exercise and sometimes there is simply not the time to conduct extensive consultation. As well, it is often the case that beneficiaries are not accustomed to taking part in such decision-making and do not have the capacity to do so. This presents a special challenge to donors who have the responsibility at the same time of building the capacity to participate while also getting on with the project. There is also the question of the representativeness of NGOs when some purport to speak for communities that they do not even represent.

There was general agreement that every effort should be made to achieve greater participation but that there were limits. For example, donors should

strive to ensure the widest possible participation in the analytical work for the situational analyses in specific countries. However, a problem similar to donor coordination of country analyses arises here, namely how dependable is the information provided. There are also constraints to participation in the drafting of country strategies which are, after all, the special preserves of the relevant donor with a concomitant political sensitivity.

One final point was stressed by NGO participants. They were complimentary of the initiative to organize the workshop and to be given the opportunity to interact with the official donor community. However, this should be seen as only the beginning of a process and should not be left as a one off event. There was a strong recommendation to continue to hold such exchanges and to elaborate on this preliminary dialogue. In the meantime the report of the workshop should be widely disseminated including by way of *Rights and Humanity*'s Global Human Rights and Development Forum.

Recommendations from the NGO Workshop

The discussions in the NGO workshop reflected the wide variety of views and experiences present among the participants. The following recommendations – grouped as they are rather arbitrarily – reflect only inadequately the range of expertise present at the workshop and are distilled from the discussions and the presentations in the course of the workshop. It is striking how they resonate with those of the official donors.

Economic social and cultural rights
– ESC Rights should be an integral part of any human rights approach

– Donors should develop shared understanding of the normative content of human rights and of human rights obligations

– Violations of economic, social and cultural rights should guide programming

– Development actors should use the General Comments and Concluding Observations of all the UN human rights treaty bodies and the reports of the Special Rapporteurs

– Support for drafting of 'shadow' reports to the UN human rights treaty bodies

Collaboration with civil society
– Donors should promote inter-institutional learning between official agencies and development NGOs

– Donors should encourage networking on the human rights based approach between agencies and NGOs at the international, national and local level.

– Donors should work with NGOs and IGOs to facilitate permanent mechanisms for dialogue to encourage policy development and accountability

Coordination
– Donors with experience in human rights-based approaches should encourage other donors to open a dialogue on the approach

– More work needed to integrate human rights approach *across* ministries (e.g. finance, trade etc areas)

– Independent complaints and monitoring mechanisms within donor agencies (including 'aid ombudsmen' and 'humanitarian ombudsmen')

– Donors should promote the human rights-based approach in emerging frameworks for coordinating aid (CCA, UNDAF, CDF, PRSP)

Staff development
– Awareness-building within organization essential

– An understanding of the normative contents of rights and the obligations of states

– Initiating pilot projects as demonstration of value-added

– Convincing, not coercing skeptics

– Senior management support is critical

Programming implications
– Acceptance that HR advocacy can reflect different approaches

– Participation requires active provision of information – transparency

– The poverty reduction approach should be framed within the HR approach

– Civil society should be involved in the drafting of country strategies

– Integrate human rights and participation in dialogues on good governance

– Encourage ratifications and official engagement in treaty monitoring process

– Capacity building to enable civil society networks to become more inclusive, accountable and effective in negotiations

– Timetabling needs to respond more to civil society needs and less to donor programming timetable

Multilateral organizations
– Donors should facilitate the participation of civil society in Consultative Groups and other consultative processes hosted by the Bank

– Donors should advocate the integration of human rights in the Poverty Reduction Strategy Papers

– Donors should carry commitments to the rights into multilateral forums – EU/World Bank/IMF/WTO

Donor Experiences of Applying the Human Rights Approach

One recurrent theme of the workshops was the serious lack of empirical data in applying the rights based approach to development cooperation. First, because the approach itself is relatively new. Before the mid-nineties the relationship between human rights and development was seen as one of complementarity and development agencies were on the look out for human rights projects rather than trialling the integration of rights in their policies and programmes. Second, as a number of workshop participants pointed out, while there are many projects at the local level that apply a human rights approach, seldom are these identified as such and very few are documented. This lack of documentation is a serious problem for practitioners who want to promote the approach and who would like to demonstrate the value added by it. Finally, there are undoubtedly a number of examples but they are still in the early stages of implementation

and it will be some time before the evaluations will be available. This in fact is the problem with an approach which is necessarily medium to long-term and where instant demonstrable results are difficult to come by.

Nevertheless, there are some examples to draw from even though they are still in the analysis and planning stages. These are characterized by an analysis based on the international human rights framework and strategies that are based on these human rights analyses. The four that were presented at the workshop were the UNDP/ OHCHR human rights strengthening project (HURIST) in Yemen, the UN system's Development Assistance Framework (UNDAF) in Nepal, the formulation of a human rights analysis and draft country strategy by the Embassy of Sweden in Zimbabwe and the UNDP's Capacity Building for Local Governance project in South Africa. Each of these exemplify different aspects of the rights based approach with their own challenges and lessons learnt.

The HURIST Yemen project shares with Nepal, South Africa and Zimbabwe (see below) a country profile dominated by extreme poverty and dependent on external development assistance combined with a domestic climate that has been favourable to human rights. There are a number of institutions for the promotion and protection of human rights including the rather grandly-named Supreme National Council on Human Rights (SNCHR). Also like in the other countries, it was the Government that initiated the approach to the Office of the High Commissioner for Human Rights for assistance and that offered to become one of the pilots in the HURIST project. The main activity in this project has so far been to help states with the formulation of national human rights action plans, a recommendation in the Vienna Declaration and Programme of Action.

Deemed inappropriate for Yemen, rather than initiating a national human rights plan, the Yemeni Government opted to focus on the integration of the human rights to food, basic education and health in the National Development Plan 2001–2006, the Poverty Reduction Strategy Paper and the National Plan for Poverty Eradication. A country team has been set up headed by the SNCHR and comprised of relevant government ministries, the National Women's Committee and civil society organizations together with the UNDP. A national workshop will be convened that will identify human rights programmes within the National Plan for submission to the donor community for support. As well the National Plan will hopefully redirect resources toward the poor and disadvantaged with a major increase in allocation for the education of girls.

Capacity building is a major facet of the project with the main target being the SNCHR but including other members of the country team and as far as possible civil society organizations associated with the project. The challenge remains to ensure that the link is made clearly between poverty and human rights, particularly since the project focuses only on three economic and social rights. The Yemeni Government and the UN system have little capacity so far in such an initiative and it will require considerable external support to ensure that the process is productive and that appropriate budgetary decisions are taken. While food, basic education and health are an entry point for the human rights dialogue, the question of legal reform with reference to civil and political rights remains. It is hoped that the legal aspects of the sectoral approach will impact on the other rights as well.

An approach that has taken the realization of both economic, social and cultural a well as civil and

political rights into account is the process towards the formulation of the Nepal UN Development Assistance Framework (UNDAF). The UNDAF is one of the outcomes of calls for UN reform and aims to bring the work of the various UN development agencies under one umbrella framework designed to avoid duplication and waste and to bring coherence to the various country programmes. The UN Country Teams (UNCT) are responsible for the preparation of the UNDAF in collaboration with national governments and in consultation with civil society and other donor agencies.

The Common Country Assessment (CCA) upon which the UNDAF is based was originally drafted by interagency thematic groups adopting a traditional sectoral approach. The CCA incorporated the views and comments of the Nepalese Government, civil society organizations and other donors. When it came to drafting the UNDAF itself, the UN Country Team with strong support from the Resident Coordinator and the human rights thematic group, took the decision to adopt a rights based approach to the UNDAF. The UNCT commissioned a position paper which identified for each right in the International Bill of Rights and within specific sectors the most disadvantaged through discrimination, denial of access or a lack of adequate resources. The purpose of this analysis was to enable the setting of appropriate objectives and indicators focusing on the most needy. Most importantly, it helped identify key areas in which the UN System has a comparative advantage.

The analysis was linked to the Nepal's commitments to human rights which – like in Yemen – are relatively extensive. Thus the analysis looked at legislation and administrative directives on the realization of human rights, enforcement and complaints mechanisms available to those whose rights are abused by non-state actors, and the total resources available for the fulfilment of human rights. To enable a major focus on poverty, the document identified sectoral and geographic areas of greatest disadvantage in order to enable programme focus on these areas.

The UNCT then established a number of thematic groups based on clusters of rights (to adequate standard of living including food and housing; to protection and assistance to the family, women and children, and to social security; to highest attainable health; to education and to culture and science; to work; and civil and political rights). The thematic groups included representatives of the relevant line ministries, members of civil society and even other donors. Once these groups had produced their respective chapters, in the spirit of meaningful participation, these were presented for comment to focus groups at a decentralized and even local level. Importantly, these groups included representatives of the most disadvantaged and those subject to discrimination. Their comments were incorporated into the draft UNDAF as were the views of the World Bank and the Nepalese Finance Ministry.

The UNDAF's strategic goals are that the economic, social and cultural rights of the people of Nepal are progressively realized, starting with those who suffer from deprivation and discrimination; that the State is able to respect, protect and fulfil rights and is accountable for those responsibilities; and that the meaningful participation of all citizens is enhanced in the development process. The document also details the cooperation strategies to achieve these goals including policy analysis and formulation; decentralization, capacity building of national institutions and advocacy and outreach.

Such a human rights approach to programme planning brings a number of new dimensions to development. First, it focuses attention and resources on geographic and sectoral marginalization. It places absolute emphasis on wide participation in the process; this takes time and requires patience because of the impact on programme delivery. It changes the way that development agency staff perceive their own work and encourages them to look with greater precision at the local level – with the resulting impact on the nature of dialogue and advocacy. Finally, conducting the analysis by using the human rights treaties enables a more accurate picture of poverty and the development of indicators based on the levels of respect, protection and fulfilment of rights at both national and local levels.

A country analysis based on human rights and democracy was also featured in Sweden's country strategy process in Zimbabwe. This process highlighted issues facing donors in translating a human rights and democracy analysis into a viable country strategy. While the analysis itself was extensive and looked at the situation of individual rights in Zimbabwe these were not seen as an integral part of other sectoral and thematic perspectives. Thus while chapters were drafted on the rights of women and children as well as the rights in the Covenants, poverty, the economic situation, and HIV/AIDS were treated separately.

This disjuncture resulted in creative tension between the development professionals who wanted to get on with business and those who were struggling to integrate the human rights and democracy approach into meaningful programmatic objectives. In the event, the deteriorating human rights situation in Zimbabwe has meant a major rethink for Sweden and resulted in the country strategy process being placed on hold. One positive outcome has been the production of draft guidelines for a country analysis from a democracy and human rights perspective.

The lessons highlighted from this sequence of events echo those from other attempts at applying a rights based approach to development cooperation. These include the importance of staff orientation in the approach, the need for patience in both analysis and capacity development, and the imperative to emphasize and elaborate on the link between poverty and human rights.

In contrast with the situation in Zimbabwe, South Africa is fertile ground to talk about human rights approaches. Rights including economic, social and cultural rights are incorporated in the Constitution and are also featured in the National Human Rights Action Plan. On the other hand, as in Zimbabwe, capacity building is one of the major focuses for the UNDP's development programme. And as in Nepal, decentralization is seen as an important means of translating Constitutional commitments into reality at the local level. The UNDP has therefore embarked on a project to assist the South African Government through the Local Government Transformation Programme. The project is still in its infancy but some lessons about applying a rights based approach are already manifest.

UNDP soon found that local government authorities were playing one donor off against another. A human rights approach therefore has to be related to resources and a budget. There needs to be greater collaboration among donors to avoid competitive auctioning. Capacity building of the kind in this type of project which requires the formulation and adoption of plans that integrate human rights,

takes time and will come in conflict with demands for quick results. This leads to the need to be able to demonstrate the value added of the approach. And this in turn requires recognition that the approach does not dismiss everything that has gone before. Rather, by simply demonstrating that applying human rights principles does not mean major changes to everything, it will become easier to bring development professionals on board.

Working Groups

The original conception of the agenda of the Stockholm workshop included the identification of obstacles to the implementation of the human rights based approach to development cooperation and so had a very practical intent. Even though there were only relatively few project staff present at the workshop, there was a considerable pool of programmatic experience to draw on and this was especially useful in the working groups (see table). The first of these followed the presentations on Yemen and Nepal and concentrated on identifying difficulties and obstacles that would face programme staff in conducting a human rights based analysis and in the formulation of human rights objectives. Participants were invited to come up with solutions for addressing identified problems.

The account of Sweden's experience in conducting such an analysis in Zimbabwe and the problems encountered in the formulation of a coherent country strategy then provided a focus for the second set of working group discussions in which participants looked at issues that confront programmers in implementing a human rights

approach and, once again, how these could be addressed.

Finally, in the last session of the workshop participants were invited to reflect on the lessons learnt over the previous days.

One recurrent theme was the lack of examples of programmes and projects that had used the approach and the need to document these. Workshop participants agreed that the lack of a common understanding about the definition of the human rights based approach in some quarters was one problem and was in part due to the perception that it was conceptually too complex. The approach is in fact quite simple and should be demystified.

Identified problems fell into three broad categories – difficulties of an internal nature pertaining to the attitudes, policies and resistances within the donor agencies; expectations and pressures from domestic constituencies and politicians to meet disbursement targets, immediately measurable outcomes and the imperative to fit into the project cycle; and those associated with perceived problems with the authorities in the recipient countries.

Within agencies, 'mainstreaming fatigue' reflected the frustration of development professionals with the series of development theories over the past decades and changes in development 'fashions'. While a standard resistance to change can be expected within any bureaucracy, an emphasis and demands by senior management and domestic politicians for rapid and measurable results are in conflict with the human rights approach which concentrates on the needs and processes required by the recipients rather than those of donor agencies.

To overcome this requires both a visible and stated commitment to the human rights approach

from senior management and a willingness to allow adequate time for successful models to be developed, documented and made widely available. There is also a need to internalize the approach within donor agencies through appropriate training programmes, by the initiation of debates between economic and sectoral specialists and those versed in the human rights approach, and by allocating resources for capacity building within the agencies.

The sensitivity of recipient government authorities to any mention of human rights can affect the way donors approach a dialogue where the situational analysis is critical of the practices of the dialogue partner. This sensitivity make it more difficult to arrive at the rapid formulation of development cooperation agreements. There is also the challenge of holding a dialogue with recipient governments when these do not accept human rights principles and the temptation exists in such cases to drop human rights from the dialogue. One way of addressing these challenges is to use the governments' own Constitutions and stated commitments as non-threatening entry points to the dialogue. Another problem that was identified was the possible reaction against the genuine and meaningful participation called for in the human rights approach because of fears that it may undermine the authority of the development professional.

Lessons learnt

At the end of the workshop participants were invited in plenary to identify the value-added of the human rights based approach, the problems facing development workers with its implementation and the lessons learnt from the workshop. The list of lessons learnt below represents in most cases the statements of the participants themselves.

– The human rights approach adds the ethical and moral dimension to development efforts.

– By focusing on individuals, it enables better targeting on those who are left behind and provides a means to empower them to claim their rights.

– It provides a more realistic view of the inequities, inequalities and patterns of discrimination that perpetuate deprivation and vulnerability than a more traditional statistical and econometric approach.

– It enables a better focus on the root causes of poverty and vulnerability through its focus on the accountability of agents of the state at each level.

– It is a more efficient analytical tool because it is based on internationally accepted standards.

– It provides a legal standard and a framework which is internationally recognized and which clarifies state obligations.

– It enhances the empowerment of the individual with relation to state obligations to realize rights.

– It is a way of holding recipient governments accountable to commitments and agreed objectives.

– It assists in identifying more appropriate budget priorities.

– It is an entry point for raising awareness, knowledge and expectations about human rights in general.

Recommendations of the Donor Workshop

The recommendations from the workshop covered the challenges facing donors over human rights advocacy, the integration of human rights in traditional development practice, the importance of a human rights analysis, and the means of ensuring meaningful participation of civil society as well as government.

– The human rights dialogue between recipient and donor governments can be problematic. Documents such as Common Country Assessments and recipients own commitments to human rights as reflected in Constitutions, periodic reports to the UN Treaty Bodies and domestic legislation should be the starting point for such a dialogue. Economic and social rights also provide a less confrontational means of raising human rights.

– The willing participation of recipient governments is essential. The CCA process demonstrates that this can be achieved and should be used as an example.

– The acceptance of the human rights approach within donor agencies is dependent on leadership. This must be combined with a bottoms up approach wherein the experiences of field workers is validated and used as examples of best practice.

– Staff development should include awareness-building in the political leadership in embassies. Human rights training must be part of overall staff development and people should be persuaded through demonstration of the 'added-value' rather than coerced into acceptance of the new approach.

– Poverty reduction strategies must incorporate the human rights approach. This requires advocacy at the DAC and with the multi-lateral banks.

– There are problems associated with involving NGOs and community-based organizations in the development of country strategies since these are internal to each agency. Nevertheless, the human rights analysis must be a genuinely participatory one and every effort should be made to involve people at every stage. This requires a greater willingness to actively provide information including on the donor agencies policies, on the negotiations between partner governments and on the processes of holding governments accountable.

– The product of detailed human rights analyses that already exist needs to be shared among donors, governments and civil society and country strategies need to be systematically based on these analyses. Practical experience in programming for human rights and democracy needs to be circulated widely

– Care should be taken that the various timetables of the UNDAFs, CDFs, PRSPs and bilateral country programmes should be brought into line in a spirit of collaboration and to avoid duplication and confusion among the recipients.

The following recommendations relate to the next steps in the process that was seen by the participants as just beginning.

– There was general agreement that the workshop was extremely useful and that the process of exchange and learning from each other should continue by means of further such events.

– Follow up workshops should involve voices from the South. On the one hand there should be participation from government representatives from developing countries. On the other, there should be greater interaction with NGOs and INGOs. Some expressed the view that future workshops should be a joint one with NGOs.

– The UN human rights committees have a lot to contribute and could be invited. In any case there should be ongoing communication with these since their comments have strong implications for the approach.

– There was strong support for more focused workshops. For example, the same theme could be explored in a multi-professional meeting with, say, the economists from development agencies to investigate what a human rights based approach would mean for them.

– Another possibility would be to focus on specific themes or rights. For example, bringing together people working on education would expand on the practical implications of realizing the right to education.

– There was also support for holding further workshops regionally. This would facilitate the participation of people in the field.

– There was a strong demand for documentation on case studies on the application of the rights based approach. This might require specific funding to gather the information.

– Finally there was a call to circulate the report of the workshop widely, including through web sites such as the Global Human Rights and Development Forum.

The Human Rights Strengthening Project (HURIST) Case Study: Yemen

Thord Palmlund, Special Adviser, UNDP, Coordinator in UNDP for HURIST

The Task: The Supreme National Council of Human Rights (SNCHR) in Yemen has asked HURIST to help in the development of a programme to promote economic and social rights, particularly with regard to food, basic education and health.

Background

Yemen

1. The unified Republic of Yemen has been in existence since 1990. The first free and direct legislative elections were held in 1993. After a period of unrest and civil conflict in 1994, the country is now at peace. It has a constitutionally elected president and parliament. The present process of modernization and transition to a liberal democracy is in contrast to the traditional culture of tribal traditions and institutions.

2. Yemen ranks 151 out of 175 nations in UNDP's Human Development Index with a per capita national income around $350. Poverty remains a significant aspect of Yemeni life. More than 30 per cent of the population live below the poverty line. About 80 per cent of the adult female poor are illiterate as compared to 44 per cent for adult males. The fertility rates in Yemen are some of the highest in the world and correlates positively with widespread illiteracy among women. Coverage of primary health services reaches but 42 per cent of the population.

3. When the High Commissioner for Human Rights visited Yemen in February 2000, she observed that the country faces many serious human rights problems. At the same time she recognized a commitment to human rights at the highest political level and a readiness to improve the situation. Yemen has a good record of ratifying human rights treaties. The country has also devoted efforts to reviewing and reporting on the five year global conferences reviews. It has strengthened its human rights institutions especially the parliamentary human rights committee and the Supreme National Council on Human Rights. The latter is an inter-ministerial coordinating body attached to the Ministry for Foreign Affairs.

Hurist

4. HURIST that stands for Human Rights Strengthening is a joint programme of UNDP and the Office of the High Commissioner for Human Rights (OHCHR) undertaken to support the implementation of UNDP's policy on human rights as outlined in *Integrating Human Rights with Sustainable Human Development.* The programme became operational in April 1999. For information, reference is made to the attached draft brochure on the programme. In this context, it is of particular relevance to note that HURIST has as one objective to support the development of pilot projects demonstrating human rights approaches to development. Yemen has accepted to host a pilot focusing on a human rights approach to economic and social development, particularly food, basic education and health.

The Activities so far: The Strategy.

5. Two missions have so far taken place, one in February/March and one in August 2000. The second mission included an expert nominated by the World Health Organization (WHO) to cover health. The missions noted the significant efforts that are already being undertaken in order to strengthen human rights in the development process. This applies for instance to a poverty strategy with grass root pilots supported by UNDP and a major educational programme supported by the World Bank and UNICEF. WHO made a study of the health sector in February 2000, which has now been complemented by the WHO nominated expert on the HURIST mission.

6. The SNCHR has been recognized as the lead body to take forward the process of mainstreaming human rights with development. To support SNCHR, a country team (CT) has been appointed comprising high level representatives for the Ministry of Planning, Education, Health, Social Services, the SNCHR and the National Women's Committee. Civil society should also be represented in the country team. It includes a representative for UNDP and will possible have also some other UN representative.

7. A four part strategy has been identified to help in this process:

   1) Yemen is preparing for a National Development Plan 2001– 2006. In the draft plan to be available in November, the CT members will work to incorporate rights perspectives in the document. These efforts will also be directed towards the poverty Reduction Strategy Paper and the National Action Plan for Poverty Eradication.

2) The Plan is due for approval in Mid-January. After its approval the Country Team will organize a National Workshop to plan the development of human rights perspectives in the programmes to be based on the Plan. The main focus will be on education, health and poverty.

3) The main outcome of the National Workshop should be programmes with a human rights approach in the relevant fields to be presented for donor support. It is through implementation of these programmes that the actual human rights integration with development will take place.

4) A mid term review of the National Development Plan will provide the opportunity to take stock of the process and to decide about necessary corrective measures.

Strategy for Capacity Development

8. To take the process forward, there is a need to strengthen several capacities:

   – the capacity of SNCHR so that it can represent the human rights interest effectively in the administration;

   – the capacity of the CT, so that it can handle the issue of human rights integration with development with confidence and competence;

   – the capacity of civil society representatives, including women organizations and organizations representing disadvantaged groups, so that they can take part in the national discourse and get access to policy-making forums;

   – the capacity of UNDP and other UN agencies in Yemen, so that they can support the process.

To the extent possible, the whole UN Country Team should be engaged in the programme.

Desirable Outcomes

9. It is still early to identify the possible outcomes of the HURIST intervention in Yemen and initiatives in the country on which HURIST builds. But on the basis of the intentions of the programme and the strategy that has evolved, the following list is suggested:

   a) The integration of a human rights perspective in the development plan.

   b) Influencing the allocation of budgetary resources in favour of programmes and activities promoting the welfare and security of poor and disadvantaged people. This should include more funds for the education of girls.

   c) The application of a human rights approach in government programmes for poverty alleviation, basic education and health.

   d) A strengthening of the voice for human rights in the administration.

   e) A strengthening of civil society and a more active interaction between NGOs and government on issues related to economic, social and cultural rights.

   f) Improved coordination of donor assistance to development with a human rights approach and an increase in international support for such purposes.

   g) Improved capacity in the UN Country Team to deal with human rights in development.

5 October, 2000

The Nepal UNDAF: A Model for Human Rights-based United Nations Development Assistance Framework

André Frankovits, Executive Director, Human Rights Council of Australia

The United Nations Development Assistance Framework (UNDAF) is one of the many initiatives designed to address the call for reform of the UN and the challenge thrown down by the Secretary-General to integrate human rights in all of the UN's activities. The UNDAF is 'the planning framework for the development operations of the UN system at the country level and consists of common objectives and strategies of cooperation, a programme resources framework for follow up, monitoring and evaluation'. That is, the UNDAF aims to bring together under one umbrella the activities of the UN development agencies in one cycle and to avoid unnecessary duplication and competition among these agencies.

The UNDAF is based on the Common Country Assessment (CCA) that is designed to generate a common understanding of the causes of under-development and the needs and priorities of the country. The CCA involves all major stakeholders including the government, civil society organizations, the multilateral banks and other donors in an analysis of the country situation. This ensures a comprehensive analysis which is agreed by all the stakeholders and this agreement is in turn reflected in the UNDAF document. While the UNDAF is the framework for the UN system it must gain the approval of the government concerned.

The process of drafting the Nepal UNDAF provides a model for a human rights-based UNDAF and lessons for other donors that may wish to engage in the formulation of human rights-based programmes.

The Nepal CCA

The decision to prepare a CCA was taken by the UN country team in Nepal very soon after the system was first mooted at headquarters. Ten inter-agency thematic groups reflecting the mandates and concerns of the various UN agencies in Nepal were created to come up with a situational analysis with each group drafting a chapter of the CCA (Agriculture and Food Security, Basic Education, Employment and Industry, Environment, Gender, Health and Population, Human Rights, Nutrition, Poverty and HIV/AIDS) in consultation with His Majesty's Government and civil society organizations. The Aid Coordinator was asked to play a major role in translating the work of the thematic groups into a coherent whole which, after eighteen months of collective labour, was published in September 1999.

The Nepal CCA is a handsome volume published jointly by the UN and His Majesty's Government. It reflects the priorities of the government and takes into account the special expertise of each of the UN agencies involved in its formulation. As an analysis of the state of development of Nepal it covers the problems facing this impoverished nation and identifies opportunities for intervention by the UN. When taken together with the Nepal Human Development Report it provides an accurate picture of the development challenges facing the country. However, because of its sectoral approach, it more clearly focuses on the priorities and expertise of each agency than on giving a comprehensive analysis from a more global perspective.

The human rights-based approach

Nepal has made many commitments to human rights. It is a party to sixteen major human rights instruments, human rights are enshrined in Nepal's Constitution and they are also integrated in the Ninth National Plan. Following persistent lobbying from civil society organizations, Nepal has recently inaugurated a national human rights commission. There are also numerous human rights organizations able to operate freely and Nepal has hosted visits from the High Commissioner of Human Rights and the Secretary-General of Amnesty International.

It is in this context that the UN Resident Coordinator (RC) undertook to explore the possibility of adopting a human rights approach in the formulation of the Nepal UNDAF. This coincided with the decision of the Nepalese Government to formulate a national human rights action plan with support from the Human Rights Strengthening Project (HURIST), a joint initiative of the Office of the High Commissioner for Human Rights and the UNDP.

At a heads of agency retreat convened by the RC an external facilitator was asked to provide a briefing on the human rights approach to development and to assist in a workshop with the heads of agencies on the implications of such an approach for their Country Programmes.

The briefing surveyed the evolution of the human rights system and the content of the major human rights instruments. The need to contest the perception that human rights are identical to civil and political rights and that all development naturally addressed economic and social rights was highlighted. This led naturally on to a discussion of the core content of the rights in the International Covenant on Economic,

Social and Cultural Rights and the obligation of states – and by extension of the UN system – to respect human rights (through legal and administrative measures), to protect human rights (by preventing non-state actors violating human rights) and to fulfil human rights (by allocating resources to and setting priorities for the realization of the rights of the most deprived).

The importance of meaningful participation was canvassed, and it was explained that participation was the link between the two sets of rights since the realization of economic and social rights was dependent on the freedom to claim entitlements. The obligation to ensure that people could claim their entitlements required an awareness of the obligations of the state regarding the realization of human rights. This did not imply that everyone had to be versed in human rights law but rather that development actors should be able to utilize the human rights system to establish appropriate human rights objectives and to work with all stakeholders to realize these objectives.

One key feature of the workshops, one that was to be repeated subsequently with UN programme staff, was the emphasis on always using the Nepal situation as the starting point and the focus of the situational analysis and of the formulation of objectives. There is understandable scepticism from experienced development professionals at calls for yet another approach to development following the raft of such approaches imposed on them in the past. To overcome this, it was seen as essential to base all the orientation sessions on the lived experiences of the participants and to work from these experiences towards using human rights to shed a new light on existing initiatives.

The enthusiastic reception to the briefing and to the workshops by the heads of agencies – for many

the first time that they were able to grasp the implications of a human rights approach – resulted in a decision to base the Nepal UNDAF on the substantive articles of the International Covenants:

- The right to adequate standard of living including food, clothing and housing

- The right to protection and assistance to the family, women and children

- The right to the highest attainable health

- The right to education

- The right to work

- The right to social security

- The right to culture and science

- Civil and political rights

'Adding' to the CCA

In order to complement the analysis that had been carried out in the preparation of the original CCA, it was decided to contract for the preparation of a position paper that would identify specific rights within each sector where the most disadvantaged were denied their rights through discrimination, denial of access or a lack of adequate resources. This would enable the setting of appropriate objectives and indicators focusing on the most needy. Most importantly, it would identify key areas in which the UN system had a comparative advantage.

The process entailed identifying
- For each right, relevant legislation which existed or which should have been enacted and by-laws which either promoted or hindered the realization of rights (this is the obligation to respect rights).

- For each right, the obstacles to the realization of rights caused by non-state actors and the state of enforcement mechanisms that were used or ignored for the protection of rights.

- The information available from each UN programme describing the resources available for the realization of each rights, the policies or lack thereof at various levels of government and the priorities allocated to the realization of the rights to be incorporated in the position paper.

- For each of the above, identification of sectoral and geographic areas of greatest disadvantage in order to enable programme focus on these areas.

- For each of the areas identified above, an outline of programmes which already addressed the focus area and those where programmes needed to be initiated to address the most vulnerable.

Needless to say, the situational analysis needed to be linked to the commitments already made by the government of Nepal (HMG/N) in the Constitution, in the Ninth Plan and in those Government actions plan such as the one on children. The periodic reports to the UN Treaty Bodies were another source for assessing the commitments of HMG/N to the realization of rights as were the commitments made at the UN conferences.

To assist with the position paper, workshops were facilitated for the thematic groups, for government officials and for programme staff, each allowing input from the participants' professional experiences. For example, one workshop asked the participants to identify for each right which were the poorest and most vulnerable groups, any discrimination that existed in the law or in practice, the degree of meaningful participation and the

nature of governmental accountability at all levels. In each of these cases, participants had to say what the current situation was, what UN and other institutions were doing to address the issues, what further actions were needed and what the UN's comparative advantage was in relation to those actions.

The information generated in these workshop was then incorporated in the position paper. The process of drafting such a document is not an easy one. It requires patience and a deep understanding of the objectives formulated by those who have partaken in the process. It must also be true to the aspirations of the people on whose behalf the development efforts are made. The position paper benefited from the willingness of the UN system in Nepal to explore new ways of 'doing' development within the context of the UN reform.

Nepal – Towards UNDAF

The position paper, *Towards UNDAF*, is based on the principles that are key to a human rights approach to sustainable human development, universality, the indivisibility of rights, non-discrimination and participation.

The paper proposes three major objectives for the UNDAF document:

– The abolition of inequality and discrimination in the realization of rights

– The meaningful participation of all Nepalese in decisions about and benefits of development

– Ensuring government accountability at all levels

The process of drafting the position paper succeeded in clearly identifying the areas of greatest inequality,

discrimination and lack of participation and where government accountability needed to be addressed. Those belonging to minorities and lower castes – especially women, children, disabled and the landless – are the most vulnerable and suffer the greatest disadvantage. The development of legal frameworks, appropriate jurisprudence, protective and recourse mechanisms, and active participation by people to access their rights and hold public authorities accountable remain limited and incomplete.

The paper asserts that 'the progressive realization of rights will only be possible by the careful prioritization of actions and allocation of resources. Special effort will have to be made to reach the most deprived and discriminated and to address structural inequalities while expanding the enabling legal framework and jurisprudence.'

Drafting the UNDAF

The position paper was then taken as the basis for the drafting of the UNDAF document itself. The thematic groups were restructured to 'cluster' the rights into a manageable form and to include representatives of line ministries. The progressive drafts were circulated for comment including to the World Bank and comments were incorporated into the document. Finally, focus group discussions were conducted at the local level with the participation of representatives of sectors targeted in the drafts.

The UNDAF document provides details on the nature of the special efforts to reach the most disadvantaged and address structural inequality. It taps into the UN system's special expertise in advocacy, capacity building, technical support and service delivery in order to:

- Support the formulation of policies that will create an enabling environment for the respect, protection and fulfillment of human rights,

- Support the implementation of pilot and demonstration projects and programmes,

- Strengthen the body of laws and the legal framework for the protection and fulfillment of all human rights,

- Support decentralization and meaningful participation, and in particular the evolution of the process of accountability at the local level and

- Strengthen monitoring by government and people of the situation of development from a rights perspective.

The document sets out the goals and objectives for each of the substantive rights, followed by the cooperation strategies which fall into six categories – policy analysis and formulation, decentralization, advocacy and outreach, development of policies in line with international commitments, body of law and legal framework and capacity building of national institutions.

Conditions for a human rights-based UNDAF

There are some important lessons from the experience of the process for the formulation of the Nepal UNDAF. It is obviously helpful if a human rights ethos exists in the society, a situation that was certainly the case in Nepal. The ferment around the creation of a human rights commission, the extended discussions over the intention of the government to formulate a national human rights action plan with

assistance of the HURIST project, the technical cooperation projects of the Office of the High Commissioner for Human Rights, all contributed to the willingness of the government to countenance a new approach to development. Nevertheless, there was a need to dialogue at great length with HMG/N to avoid the perception that here was another conditionality to the provision of development assistance.

The UNDP's human rights training program was instrumental in generating increased understanding of the value added of the human rights approach and stimulated the UNCT to explore new possibilities. The willingness to seek advice from outside the UN system in Nepal meant that the process could be streamlined and points to the need for more UN staff able to explain the human rights approach to development. Finally, the importance of human rights training at the country level cannot be understated; it is the programme people who will be responsible for using the UNDAF in their daily work and unless they are familiar with the human rights approach they will remain sceptical about its benefits.

The lessons from the process of drafting the Nepal UNDAF point to some conditions for the use of a human rights approach. First, there must be commitment at the country level and the willingness to devote time and resources to the process. Training and sensitization on human rights is a prerequisite. The human rights analysis needs to draw on government commitments and to be dis-aggregated according to predetermined human rights criteria. The participatory process should be extensive and be broader than at the national level. Finally, the process needs to result in joint commitments from donor and government, and the outcome of the process should

become a part of the countries own development agenda.

In the Nepal context it was fortuitous that the period of the UNDAF coincided almost exactly with the Tenth National Development Plan. Some members of the National Planning Commission have already noted that it would make sense to integrate the two and this opens the opportunity for injecting a genuine human rights dimension in the country's plan. The recognition of the symbiotic relationship between the UNDAF, the National Development Plan and the National Human Rights Action plan has the potential of resulting in a much more effective and sustainable development programme and real progress in combating poverty, discrimination and disadvantage.

Mainstreaming Human Rights in the United Nations Development Assistance Framework: The Case of Nepal

Richard Bridle[1] , Deputy Representative and Senior Programme Officer in the United Nations Children's Fund (UNICEF) Nepal Country Office

"Human beings are free by nature, so we pray to get equal rights, equal treatment and human rights, so that as lower caste people, we are not treated like cats and dogs."

<div align="right">

Rakesh Hamal (age 18), Kapilbastu District, Nepal[2]

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"The UN should consider social mobilization programmes as a process, not a project.

All UN agencies' programmes should be run through a single type of multi-purpose broad-based community organization."

<div align="right">

Krishna Prasad Sapkota, District Chairperson, Kavre, Nepal[2]

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"The government shall continue to strengthen mechanisms to assure popular participation, respect for human rights, ensure the independence of the judiciary and promote genuine empowerment of disadvantaged and marginalized citizens."

<div align="right">

His Majesty's Government of Nepal, Ministry of Finance[3]

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I. Introduction

The United Nations Development Assistance Framework (UNDAF) is one of the main instruments used at field level to give expression to the major reform of the United Nations decided by the General Assembly in June 1997. The most significant part of that reform for development cooperation was the insistence on UN agencies working much more closely together at both country and global levels, ensuring synergy and focus from their individual country programmes of cooperation. This is institutionalized at the global level in the United Nations Development Group (UNDG), bringing together the UNDP, UNFPA, WFP and UNICEF, and at the country level through the UN Country Team (UNCT). UNDAFs are prepared by UNCTs in collaboration with national governments and in consultation with civil society and other development partners.

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[1] Richard Bridle was coordinator of the Theme Group on Human Rights for the development of the CCA and of the Theme Group on Civil and Political Rights for the development of the UNDAF.

[2] These quotations are taken from the decentralized consultations organized as part of the UNDAF preparation process.

[3] Taken from the Country Memorandum presented at the Nepal Development Forum, Paris, April 2000.

Nepal is one of the second generation of countries preparing an UNDAF and one of the first to do so on the basis of human rights. This paper attempts to draw some of the lessons learned from the process from the viewpoint of one of the participants in the exercise.

II. The history of the UNDAF in Nepal

The Common Country Assessment
The UNDAF was preceded by the Common Country Assessment (CCA), prepared during 1999. In Nepal, the CCA followed a more traditional sectoral approach, though it did also contain chapters on cross-cutting issues: governance, gender and human rights. Each chapter was developed by an interagency theme group, ensuring wide participation and ownership of UN staff. The UNCT was highly insistent on the exercise being highly participatory and was prepared to sacrifice some quality in doing so. Once acceptable drafts of each chapter had been prepared, a large national consultation took place, involving government officials, donor agencies and members of civil society organizations. Each chapter was finalized based on the comments made in the national consultation.

The draft document was also reviewed from a human rights perspective by the Office of the High Commissioner for Human Rights (OHCHR) and the Human Rights Council of Australia (HRCA)[4]. In both cases, the main recommendation received was to mainstream rights throughout the document, rather than retain a separate chapter on human rights. The UNCT decided to compromise by integrating some rights content into the sectoral chapters but retain a

distinct chapter on human rights. The Theme Group on Gender also audited the document from a gender perspective, an important aspect of human rights, particularly in the South Asia region.

Development of the UNDAF
Moving on to the development of the UNDAF, an important change took place. The Theme Group on Human Rights had long advocated that UN cooperation in Nepal should have human rights as its basis, consistent with the statement of the Secretary-General to the General Assembly in June 1997[5]. This had been supported by the comments on the CCA made by OHCHR and HRCA. UN representatives were thus already sensitized to a rights approach. More significant, however, was the policy decision taken by the UNDG Office that future UNDAFs should be rights-based. This allowed an already receptive Resident Coordinator and UNCT to take the plunge.

As a country with its Constitution firmly founded on the advancement of human rights[6], and with a vibrant non-governmental community of human rights activists, Nepal was also ready for this step.

Thus at its annual retreat in November 1999, in which Andre Frankovits, Executive Director of HRCA conducted a session the *rights way to development*, the UNCT adopted a rights approach for the development of the UNDAF. Initially, however,

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[4] This was done at the combined request of the Theme Group on Human Rights and the Aid Coordination Specialist working in the Office of the Resident Coordinator.

[5] In his introduction of the proposed reform of the United Nations, Secretary-General Kofi Annan stated: *"The advancement of human rights needs to be integrated into all principal United Nations activities and programmes."*

[6] Nepal has also ratified sixteen major international human rights instruments, more than any other country in South Asia. These include the six *core* conventions. It is the only country in South Asia to have ratified ILO Convention 138 on child labour.

it decided that the purpose of the UNDAF should be to facilitate the realization of economic, social and cultural rights only. The Theme Group on Human Rights continued to argue that economic, social and cultural rights, are indivisible from civil and political rights and ultimately the latter sets of rights were integrated into the structure of the UNDAF, which was organized around individual rights from the International Covenant on Economic, Social and Cultural Rights (ICESCR), with those of the International Covenant on Civil and Political Rights (ICCPR) forming a single, final grouping.

At this point, work on the analysis of individual rights of the ICESCR had reached such an advanced level that the UNCT could not revert to an alternative and more logical solution of basing the UNDAF on the Universal Declaration of Human Rights.

In order to develop the individual chapters of the UNDAF, the theme groups established for the CCA were reorganized into six working groups[7]. Key members of these groups, along with heads of agencies and members of the interagency UNDAF Task Force received orientation on rights-based programming from HRCA. Key government officials, representatives of donor agencies and members of civil society also participated in the working groups. Once acceptable drafts of each chapter had been prepared, a large national consultation took place, and its conclusions were integrated into a second draft of the document.

There then followed the highly innovative step of taking the UNDAF to the people through a series of decentralized consultations with individuals and focus groups throughout the country[8]. The feedback received from these consultations was also important both as a reality check and to further deepen the analysis and planning contained in the UNDAF. The next draft contained some or the most significant quotations accumulated through this process as text boxes.

The final steps towards completion of the UNDAF will be a further national consultation and its clearance by the Headquarters of each of the UN agencies involved.

III. The content of the UNDAF: How do rights make a difference?

In development cooperation, taking a human rights approach lies less in what you do than in how you do it. However, basing the UNDAF on the two International Conventions is in itself an advance. It obligates Nepal and the UN to work together on a practical agenda towards the internationally accepted goal of universal realization of all rights. Framing objectives as rights goes beyond the establishment of targets hitherto contained in national plans and the agendas of international conferences towards universality.

The major strategic goals of the UNDAF provide a new focus for UN development cooperation in Nepal in pursuance of the human rights principles of

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[7] These were: (1) Right to adequate standard of living including food, clothing and housing; (2) Right to protection and assistance to the family, women and children and Right to social security; (3) Right to highest attainable health; (4) Right to education and Right to culture and science; (5) Right to work; and (6) Civil and political rights.

[8] These included poor women and adolescent girls; marginal farmers and female headed households; landless labourers; *dalits* (untouchables) and tribals; working children; victims of trafficking; and slum dwellers. A special note should be made here of the enormous contribution made by UNICEF field staff in conducting these decentralized consultations.

universality, indivisibility, accountability and participation. As stated in the UNDAF, these are that:

1. The economic, social, cultural, civil and political rights of the people of Nepal are progressively realized, starting with those who suffer most from deprivation and discrimination.

2. The State is able to respect, protect, and fulfill rights and is held accountable for those responsibilities.

3. The meaningful participation of all citizens is enhanced in the development process.

UN cooperation is thus more firmly focused on people, with a special emphasis on those who suffer most from deprivation and exclusion, on their active and meaningful participation in development processes, and on the State's accountability for the realization of rights. The UN intends to give concrete expression to this by focusing particularly on areas of the country that are poorest and most deprived in human development terms, and on groups within society that suffer systematic patterns of discrimination, such as disadvantaged castes and ethnic groups, and remote populations, with gender as an underlying factor cutting across all instances of deprivation and discrimination. It gives particular emphasis to the development of local governance institutions and of civil society as a means of enhancing the responsiveness and accountability of the State and of society as a whole.

The right to education: An example

To take the example of the right to education, the UNDAF objective is stated as: *"To increase access,* *without any discrimination, to quality pre-primary, primary, basic, secondary and higher education."* This objective takes account of both universality, through its emphasis on the absence of discrimination, and the indivisibility and interdependence of different types and stages of education. It goes further in its strategies.

Strategy 1 is: *Implementing innovative approaches and programmes for the most deprived populations with regard to education.* Building on synergies developed under various educational programmes supported by the UN, a joint programme on education of the girl child will be designed and implemented. The UN will expand and replicate innovative approaches to develop responsive community-based institutions and incentives for the most deprived to have access to education.

Strategy 2 is: *Capacity strengthening and partnerships in order to improve the quality of education.* The UN system will make use of the specialization of some of its agencies to complement the efforts of the Ministry of Education in enhancing the quality of teacher training, the use of supplementary materials in classrooms, the use of continuous assessment and the development of child-friendly learning environments in schools (including infrastructure and provision of food). Building on its vast network of partners, the UN system will also jointly facilitate public/private partnerships.

Strategy 3 is: *Improving decentralization, accountability and management of the school system.* The UN system has a comparative advantage in decentralized management and will jointly support the government in strengthening the decentralization capacity and accountability mechanisms at local level.

The focus of cooperation has thus shifted from efficiency, generally expressed in raw numbers of children in education, to:

- reducing *patterns of discrimination*, through the focus on girls and other disadvantaged and excluded populations, adopting innovative, non-traditional and community-based (*participatory*) approaches;

- improving *quality* of education, recognizing that educational achievement is essential to the *realization of other interrelated rights,* making schools *child-friendly,* following the principles of the *best interests of the child* and *respect for children's views* laid down in the Convention on the Rights of Child; and

- enhancing *accountability* and ownership, through a focus on decentralization.

IV. Challenges ahead

The UNDAF represents an excellent start to reorient development according to a rights-based approach, but the UN agencies in Nepal will have to overcome a number of challenges in changing ingrained attitudes and behaviours, both within Nepalese government and society and within the wider development community. This includes the UN agencies themselves. Among the major factors involved are the following:

1. *Nepalese society is subject to ingrained patterns of discrimination both institutional and conventional.* The new focus on the most disadvantaged will thus run counter to attitudes and behaviours formed in people from early childhood. The caste system, though officially abolished, flourishes in the minds and lives of the majority, as does gender discrimination from *son preference* to violence against women and trafficking of women and

girls. This can be seen in a continuing reluctance to amend discriminatory laws that are at variance with the Constitution or to consider seriously the development of policies and programmes of affirmative action.

To a lesser extent some of the same attitudes prevail among staff in development cooperation agencies, including the UN. There is also a feeling that focusing on the most vulnerable will detract from overall achievement in terms of numerical output (further discussed in the next point).

2. *There is a long tradition that emphasizes the importance of hardware over software and of output over process.* Both within government and among the donor community, including the UN, development has largely been seen as a matter of achieving physical targets. However, rights-based programming puts a premium not only on what we achieve but how we achieve it. The new emphasis on quality and process will thus be a decided challenge for all concerned.

3. *Both the government and the UN are largely set up to operate sectorially and to pursue mono-focal goals.* It is said that the organization of governments substantially reflects the disciplines learned in universities, and the organization of the UN, particularly of its *specialized agencies,* is not much different. It will be a major challenge to get different departments of government to work together to achieve real convergence for the realization of interrelated rights. The challenge within the UN is discussed further below.

4. *Development is seen more as welfare or charity than as solidarity.* The government, non-governmental organizations and the donor community have a

tradition of doing things *for the people*. Rights-based programming puts more of an emphasis on development *by the people*. Changing this perception will be very difficult. This is not only a question of building real, meaningful participation, as opposed to people's contributions to development in labour or through cost recovery, but also of accepting that we are all accountable to the so-called beneficiaries of development, to use the welfare terminology.

This is seen also in resistance to decentralization, one of the planks of the UNDAF's rights-based strategy, both in government departments and in the way in which the UN does business. Centralizing tendencies are omnipresent.

5. *Can the UN really work together on the ground?* The UN system in Nepal does have numerous examples of collaborative programmes. However, the policy environment set in Kathmandu does not always translate into common purpose and approach at the field level. Differing emphases in mandate, as well as personal jealousies, have often led to essentially separate development of programmes at the point where they need most to work together to build on comparative advantages and achieve the desired synergies.

The good work that has been done in developing a sense of common purpose in the wide team that worked together on the CCA and the UNDAF will have to be continued with staff and project personnel working at operational levels of programmes.

Preparing the Swedish Country Strategy for Zimbabwe from a Democracy and Human Rights Perspective: Summary Report

Anton Johnston, Swedish International Development Cooperation Agency

1. Background

On publication of the Swedish Government White Paper "Democracy and Human Rights in Sweden's Development Cooperation" (Skr 1997/98:76) a Consultative Group was set up between Sida and the Ministry for Foreign Affairs (MFA), with an executive Working Group attached, to see to the implementation of the White Paper and to coordinate matters of common interest in the democracy and human rights field[9]. It was swiftly agreed that Sweden had no reason to set up new and separate procedures for the administration of its development cooperation for this purpose. The implementation of the Paper should be done through and within existing procedures. Some already planned activities would be targeted as pilots for carrying the new policies. It was agreed inter alia that one particularly relevant part of aid procedure was the country strategy process[10].

At this time (mid-1998) the country strategy for Zimbabwe became due to be reworked. It was judged that a DHR approach was particularly cogent in this case, and so this country strategy process was chosen as a pilot.

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[9] In parallel, the Swedish Government published another White Paper, titled "Human Rights in Swedish Foreign Policy" (Skr 1997/98:89), which establishes that human rights are to be mainstreamed in all of Sweden's international relations.

[10] Changes are also being made as regards the project cycle, sector support programmes in social and economic sectors, multilateral financing, and macroeconomic support programmes such as budget support and debt relief.

2. A note on the Swedish country strategy process

Swedish development cooperation has the reduction of poverty as its overriding goal. It has a series of six subordinate goals, which have been identified as strategic issues in poverty reduction: growth, distribution, autonomy, democracy, gender equality, environmental care. The "mix" of Swedish support to any poor country is determined by a combination of country priorities and Sweden's analysis of what is relevant in the light of its goals. This "mix" is decided through the country strategy process.

The Government of Sweden delegates the drafting of country strategies to Sida. It advises Sida of the strategies to be prepared in its annual *Letter of Appropriations* to Sida, and Sida (principally – where there is one – through the Embassy of Sweden) initiates its analysis of the situation of the country in question as soon as possible. Sida presents the initial study to MFA and proposes the focus of the strategy, i.e. what the main goals for Swedish relations with the country should be. MFA discusses the proposal and makes amendments and the Government in a formal decision gives an *assignment* to Sida on the orientation of the country strategy. Sida then deepens, focuses and completes the *Country Analysis (CA)*. In parallel, it carries out a *Results Analysis (RA)* (often through external evaluations) of its support hitherto to the country. These two papers constitute the analytical foundation for drafting a *Country Strategy (CS)* proposal, which is approved by Sida's Management and Board and submitted to the MFA. MFA examines and amends the documents and submits the Strategy to Cabinet for Government decision. Sweden presents the Strategy to the partner government, and Sida uses it to draw up its annual *Country Plans*, which link up the overarching conclusions of the CS on goals and priorities with the detailed administration of the *Country Programme*. Part of the latter is placed on a treaty footing by the signing between Sweden and the country of a 3-year *Cooperation Agreement*, which formalises the goals for cooperation and assigns a maximum sum for financing bilateral cooperation activities over this period.

3. Preparations

The Swedish parties involved all agreed that democracy and human rights would be mainstreamed in the Zimbabwe Country Analysis. In November 1998 the assignment was issued to Sida in a Government decision, in which *poverty reduction* and *strengthening of democratic culture* were named as the goals for cooperation, and the instruction was given that "A holistic perspective shall be applied as regards the analysis and assessment of democracy and HR in Zimbabwe". The Working Group at once entered into discussions on this with the Swedish Embassy in Harare. It may here be noted that the new approach was new to everyone and that this meant that established instruments and models did not yet exist; these were some of the products to be derived from the pilot process. Despite this lack of clarity, the Embassy became very engaged in the new approach and this particularly contributed to the positive results obtained.

The assignment reflects the state of thinking at the time. It names a number of issues for analysis and prioritisation, and does not itself apply an integrated rights approach. A notable difficulty revealed therein, which still persists, is that of integrating the

overarching concern – poverty – and the macroeconomic concern – instability and imbalance – with the political concerns of democracy and HR.

After the discussions with the Embassy, the Working Group organised a two-day seminar in Stockholm for all the programme officers for Zimbabwe at Sida and MFA, along with key officers from the Embassy – a total of some 25 people. The seminar concentrated on how to do the Country Analysis and the Results Analysis from a DHR perspective. The Working Group presented a tentative Guide for the former task, which was revised by the seminar and numerous times thereafter, and is to be found attached in its current state (Appendix 1). Participants showed some reluctance to using a DHR perspective in the latter case, as the ongoing programmes had not been planned originally from a DHR base and many felt that this could not be infiltrated *post hoc*.

The seminar used the UN human rights monitoring and reporting systems to provide a documentary base for the analytical work to come, an important innovation for Sweden's work. By chance, the UN agencies in Harare had also started applying an HR-perspective to their planning and work, which enriched the seminar. Each of the ongoing programmes supported by Sweden was discussed on its relevance for democratisation and human rights observance and how this focus could be sharpened, as well as whether other areas would be (more) relevant to support.

All parties agreed that this seminar was essential to creating a common position on the forthcoming process. It also proved to be a good practical ground for "training" the people involved, in the issues of DHR. One issue that did not get sufficient attention, however, was the interlinking of DHR-concerns with the overall aim of reducing poverty.

A month later the Working Group travelled to Harare and held an all too short seminar on the new approach with all the officers at the Embassy. The visit was also used to meet other agencies working in Zimbabwe as well as Zimbabwean NGO's and government actors. This gave political impetus to the Embassy as regards legitimising the new approach, but it was unfortunate that the short internal seminar did not get down to the details by sector and area of the DHR approach. Here again the problem of integrating economic analysis with political analysis was not solved.

Some ideas about backup investigations to strengthen the analysis were mooted in this process, but the timetable for the strategy was too tight. For the record, the suggestions included doing a study on power structures (taking into account the formal division as established by the Constitution as well as the reality identified in practice); as well as an opinion poll on Zimbabweans' attitudes to democracy and governance.

In connection with these activities, meetings were held in Stockholm and Harare with the Swedish NGO's engaged in cooperation programmes in Zimbabwe. These were designed to receive input from the (autonomously acting) NGO's, to inform them of the strategy work, and to identify to what extent their work complemented the proposed bilateral DHR-approach. Though their character was primarily consultative, the parties found these contacts to be useful, especially in the light of later events.

4. Writing the country analysis

Sweden's rules for the strategy process include a set length, index and structure for the Country Analysis (and also the Country Strategy). An initial

impediment was found to be that these did not facilitate the writing of an analytical report from a DHR perspective. The more detailed analysis proposed in the Guide, arising from looking at both the power structure/ governance/democracy and the individual/life conditions/human rights aspects, required a different structure. The approximate structure derived can be seen in the index proposal at the back of the attached Guide.

The CA proved to be most insightful as a result of the approach taken. It became much longer than usual (always a bureaucratic disadvantage) but much better than previous analyses. However, there is still a long way to go to integrating a rights approach into many of the sectors, which were analysed by the respective subject officers from their existing professional frame of reference. Also, priority areas which may well be easy to integrate into a DHR analysis were separated out, in part to make them more visible to their constituency. Thus Poverty, Macroeconomy, HIV/AIDS and Private Sector were assigned their own chapters instead of (or as well as) being integrated into the principal DHR analysis. Some disagreement also arose on the handling of already on-going programmes, e.g. those proposed to be phased out for administrative reasons despite high relevance (health sector), or to be continued despite grounds to cease supporting them from a DHR point of view (components of the public administration support).

5. Drafting a new country strategy

The premise of the Working Group had been that a high quality CA would lead automatically to a coherent Strategy. So little attention was given to discussing or otherwise influencing the form and content of the CS. There was also a severe time constraint. This may have been unfortunate. The Results Analysis showed that most of what Sida was supporting was working quite well and had no contradiction with promoting democracy and human rights — though most of it had not been designed with such a purpose in mind either. The initial identification (in the assignment) of "separate" goals for cooperation, and the separation out of some of these areas in the CA, along with the generally positive findings of the RA, led to a "split" CS proposal. This was not characterised by any particularly note-worthy departure from the previous CS as to what was to be supported, or how. A proposal (contrary to the previous CS) not to end support to the health sector was removed when it showed that other donors were about to increase their contributions. Part of Sida's public administration support, the agreement on which had expired, was decided to be discontinued.

So a feeling arose that the new approach had not made much difference to what Sweden finally would end up cooperating on with Zimbabwe. One significant and positive difference was, however, that a set of essential issues for political dialogue between Sweden and Zimbabwe was included (for the first time) in the CS.

The MFA was not very satisfied with the proposed CS, noting that many of the issues raised in the CA had not found expression in the CS. This led to the setting up of a redrafting team. At this point, however, the reality in Zimbabwe took over. The stormy process around the disputed new Constitution, followed by the upheavals and repression around the land issue and the general election, led to Sweden allowing its Cooperation

Agreement with Zimbabwe to expire without replacement. Thereafter, bilateral project agreements have been left to expire one by one without renewal, effectively reducing government-to-government cooperation.

Here the high quality DHR analysis of Zimbabwe suddenly paid off. Sweden had acquired a better understanding of the actors and processes than before, which has assisted it in deciding on its position on its relations with Zimbabwe. At present a temporary Strategy is being finalised to cover the period to the presidential elections timed for early 2002, now entirely focused on democracy and human rights issues. It is unlikely that a new Cooperation Agreement will be signed before then, and cooperation focused on non-governmental actors is likely to be prioritised in the interim.

6. Some conclusions

A significant theoretical and practical problem has been the integration of the overall aim of reducing poverty in Zimbabwe with the parallel or subordinate aim (depending on how one looks at it) of contributing to democratisation and respect for human rights in Zimbabwe. The difference in perspective leads to different analyses, priorities and outcomes. The poverty analyst traditionally has a target group focus and a prioritisation of those forces, institutions and structures which directly impact on the poor. In a situation of "more-or-less" democracy, it is easy to disregard power constellations and orient attention "neutrally" to the macro-economy and the social sectors. It is when the "more-or-less" democracy suddenly takes a down-turn that the significance of democracy and human rights as a way

of seeing, as a method of allocating resources, as a dialogue issue and as an area deserving priority really shows up.

On the Swedish side, the DHR-advocates also have a task which needs to be taken very seriously, that of showing that a DHR-approach actually is wholly relevant to poverty reduction, and just how. Our Guide (Appendix 1) is all too unilluminative in its handling of the poverty link, and thereby fails to contribute sufficiently to making the connections.

Learning to look at situations, issues and problems in a new light is never easy. Development cooperation people come to the field from a competent professional background in their subject areas, in which the "DHR angle" has seldom, if ever been profiled. Indeed, Swedish administrators are not accustomed to viewing their tasks in Sweden from a DHR perspective either. So changing viewpoint requires a lot of work, in particular on the details, and it has to be done so that it becomes professionally convincing that the new way of looking at the issues is an asset and an addition to the field, rather than a limitation and a distortion. The meeting points set up in the Zimbabwe process were many and very rewarding, but not sufficient.

It was positive nonetheless to approach the whole concern of integrating a DHR perspective into our work from the country strategy level. This level included all the Swedish actors and most of the Zimbabwean ones, and it provided a fruitful ground on which to discuss the wider issues in a multi-disciplinary way. Linking this discussion to a real case (e.g. Zimbabwe) makes it all the more educational and alive. After discussions at this level it is easier to approach the project-level detail discussions constructively.

In short:

– arguments must be developed that are easily accessible for professionals in other fields as to whether a DHR perspective leads to qualitatively better performance

– easily accessible tools have to be developed for practitioners in all different sectors

– understanding needs to be created that DHR support involves capacity development and therefore requires adequately trained staff to be on hand as the moving force (and not primarily as administrators)

– this takes time

– the discussions around a broad poverty concept are beneficial for an increased acceptance of a DHR perspective and integrates DHR into the overriding target of poverty reduction.

8 October 2000

Capacity Building for Local Governance: South Africa

Patrick van Weerelt, HURIST Programme Officer, United Nations Development Programme, Geneva

Background

South Africa's Constitution establishes a political and administrative system based on three spheres of government (national, provincial and local). It obliges all tiers to help build legislative and executive capacities, including the capacity to empower civil society and to secure the well being of the residents.

Importantly, the Constitution mandates the transformation of the local government system, which has been given a pivotal and distinctive role in the promotion of social development and democracy at local level. Chapter 7 of the Constitution sets the role of municipalities in the developmental local government process.

However, the present situation of local government capacities represents a major constraint towards the implementation of the 1996 Constitution. Many local structures of government suffer from shortage of skills including ability to change their approach to development and to deliver public services effectively and efficiently. It is, therefore, important for the country that local government is capacitated and transformed to play a developmental role.

To give effect to the new local government system, the Ministry for Provincial Affairs and Constitutional Development undertook an 18-month consultative process that culminated in the *White Paper on Local Government* issued in March 1998. The White Paper is the national policy framework for a strengthening of local government capacity.

The strategy adopted for the implementation of this national policy framework was outlined in the document *A Support Framework for Implementing the Local Government White Paper: Concept Document,* issued by the Ministry for Provincial Affairs and Constitutional Development in 1998. It recommended the creation of the *Local Government Transformation Programme* (LGTP) as a cooperative governance vehicle for mobilizing and coordinating programmes, resources and available capacities to support the establishment of the local government system.

Brief description of the UNDP supported programme

Within the above described context of the LGTP, the Local Government Capacity Building programme of UNDP assists the Government of South Africa to promote sustainable human development and alleviate poverty through institutional capacity building, service delivery improvement and the integration of a rights approach to development. On the whole, the Programme seeks to contribute towards achieving sound local governance by enhancing the capacity for integrated development planning, local economic development, performance management systems, financial viability and management, project management and build a culture of collective civic responsibility.

The human rights component

The issue to be addressed in the human rights component is the operationalization of a rights-based approach to development. The component serves as a supportive tool to the other two components dealing with the improvement of service delivery and institutional capacity building.

Drawing upon South Africa's extensive Bill of Rights, this component promotes developmental local government through greater accountability, participation and transparency at the local government level. It will also direct governmental policies towards the effective realization of sustainable human development goals in which the human person is the central subject, active participant and beneficiary of development activities. It could henceforth strengthen existing developmental policies while it would at the same time provide local government with tools for assessing and monitoring its policies aimed at successfully realizing its developmental goals.

Government's active involvement in promoting the observance of human rights can be seen from the development of a *National Action Plan for Human Rights* as a follow-up to the World Conference on Human Rights held in 1993. However, a number of difficulties in providing "all human rights for all" remain to be tackled. The *"Speak Out on Poverty Hearings"*, held from 31 March to 19 June 1998, and organized by the South African NGO Coalition, the South African Human Rights Commission and the Commission on Gender Equality have shed some light on these difficulties and identified a number of gaps between constitutional rights, laws and policies on the one hand, and people's lived realities and experiences on the other. The outcome of the hearings, as well as the newly created opportunities for local government, call for a reconsideration of development priorities. Human rights – local government – and budget allocation are inextricably linked in South Africa.

South Africa is one of the few countries in the world that has incorporated the obligations to *respect, protect, promote and fulfil* human rights in its Bill of Rights (Article 7.2 of the Constitution). This clear constitutional obligation provides for an important tool for monitoring social progress. The particular obligations to respect, protect, promote and fulfil the rights in the Bill of Rights should lead policies at national, provincial and local sphere.

The above mentioned framework forms the basis of the operational aspects of the human rights component. The framework is envisaged to be used as a tool to:

- Develop a South Africa specific local government strategy for the operationalization and verification of human rights within developmental policy-making;

- Strengthen the capacity of local government officials and NGO/CBO representatives in the application of a rights-based approach to specific developmental goals; and to

- Assess the benefits and constraints of applying a rights-based approach to development planning.

  Human rights standards and principles, people's lived reality; resource and budget allocation constraints will set the stage for local government action. Workshops, with participation from local councillors, CBO representatives etc, that provide clear linkages between human rights, basic social services and budget allocation, will be organized around community specific issues (for example waste management, HIV/Aids etc.). The development of monitoring systems and other means of verification will also receive attention in the workshops.

To be noted for future programming:
- The in-depth integration of a rights-approach warrants a comprehensive strategy with strong emphasis on partnerships. The partnership issue in terms of implementation was not adequately tackled in the Programme Document. The South African Human Rights Commission has only recently been engaged in the future programme implementation. As in all matters of capacity building, there is always a need for a "Centre of Excellence". Given the limited knowledge on the operationalization of a human rights approach in development it would be commendable if the

HRC could be assisted in becoming South Africa's Centre of Excellence in the area of operationalizing a rights approach. It already has the standing, and certainly the right people.

6 October 2000

Appendix 1 – Donor Workshop Agenda

"The Human Rights Based Approach to
Development Cooperation", Donor meeting 17–19
October 2000 in Stockholm
Framework Agenda: Donors meeting
We have received a number of papers, all of which
will be subject for discussion, some in plenary, some
in working groups. The first day of the meeting will
focus on the country level, the second day on the
program/project level.

October 17

1:15 TO 2:30 PM
Lunch (attended by NGOs and
donors)
NGO & donor discussion
Venue: Klara Konferenser,
Vattugatan 6

2:45 TO 3:00 PM
Introduction of participants

3:00 TO 3:45 PM
Presentations of issues identified
during previous days

3:45 TO 4:45 PM
Response from officials and general
discussion

4:45 TO 5:00 PM
Coffee break

5:15 TO 6:15 PM
Where do we go from here together?

6:30 PM
Reception with NGOs, donors and
invited guests from Sida, the Swedish
Foreign Ministry and Swedish NGOs
at Sheraton Hotel, Tegelbacken 6,
Hagasalongerna

Venue: Sveavägen 33, Sida's
conference center

9.00 – 9.30 A.M.
Short introduction of participants

9.30 – 10.00 A.M
Recapitulation of Conclusions by the
NGO-meeting/State of the Art:
Human rights Approach to
Development – Country strategy
level – Mr. André Frankovits, HRCA

10.00 – 10.30 A.M.
Refreshments

10.30 – 11.00 A.M.
Presentation of the Hurist Pilot
Project in Yemen – Mr. Thord
Palmlund, UNDP
– the process for reaching the
agreement of the Yemeni
authorities for the human rights
approach
– and the hurdles that had to be
overcome to gain their approval
– details about the level of popular
participation involved.

11.00 – 11.30
Comments from participants and
discussion – in plenary, facilitated by
HRCA

11.30 – 12.00 P.M.
"Analyzing the state of human rights
and setting human rights objectives:
The experience of the Nepal
UNDAF" – Mr. André Frankovits,
HRCA
– how the UN arrived at a rights-
based UNDAF

– what methods were used to
achieve this.
– the analysis of the realization of
the right to education for the
UNDAF and the identification of
appropriate human rights
objectives.

12.00–12.30 P.M
A response from Mr. Richard Bridle,
UNICEF and comments from
participants.

12.30 – 1.30 P.M.
Participants will be asked to look at
the analysis and objectives relating to
the right to education in Nepal and –
based on their own experience – to
identify areas of difficulty in applying
such a process in their country work/
programming and how to overcome
them – working groups

1.30– 2.30 P.M.
Lunch at the premises

2.30 – 3.15 P.M.
Presentation of issues identified by
working groups, comments and
discussion – plenary

3.15 – 4.15 P.M.
Presentation of Swedish policy on
mainstreaming by Ms Carin
Norberg, Director, Sida, followed by
presentation of Sweden's country
analysis of Zimbabwe by Mr. Anton
Johnston, Sida

October 18

4.15 – 4.30 P.M.
Coffee Break

4.30 – 6.00 P.M
Discussion in working groups.

Participants will be asked to
– take on the Zimbabwe country strategy approach and apply the outcome of the previous working group discussions to the Zimbabwe situation.
– to fill in a grid which would set human rights objectives based on the country analysis already conducted.
– to discuss issues that confront programmers in implementing a human rights approach.

6.30
Dinner together at Trattoria Romana,
Mälartorget 15.

October 19

9.00 – 10.00 A.M.
Presentation of issues identified by
working groups, comments and
discussion – plenary

10.00 – 10.15 A.M
Coffee break

10.15 – 11.00 A.M
Presentation of "Capacity Building
for Local Governance, South Africa",
Mr. Patrick van Weerelt, UNDP

11.00 – 12.30 P.M
Challenges ahead including donor
coordination

12.30 – 14.00
Lunch

14.00 – 16.00
Panel discussion with HRCA,
Swedish Ministry for Foreign Affairs,
Sida, DFID, UNICEF, UNDP, Rights
and Humanity, Swedish Save the
Children, open to Sida and Ministry
for Foreign Affairs employees, NGO-
representatives and media
representatives

Appendix 2 – Report of Working Groups

WORKING GROUP 1 – 'Working group participants are asked to identify difficulties and obstacles that might prevent their development agency from applying a rights based analysis of development challenges in partner countries and from setting human rights objectives. Such analysis and objective setting requires: 1. Policy dialogue between partner governments on human rights; 2. Participatory process; 3. Setting human rights objectives. Where problems and difficulties are identified working groups are also asked to identify possible solutions. Each group is asked to report back on at least one problem and one solution.'

Problem	Solution
– Bilaterals – access to the right dialogue partners (can be hard/taboo issues), ownership by partner government (different people want analysis for their own reasons)	– Use CCA as a common framework – Constitutions and reports to the treaty bodies as an entry point, a space for dialogue
– Superficial analysis, symptomatic analysis, 'band aid' – Identify/measure progress – Understanding our role as donors	– Identify root causes – Accountability mechanisms – Donors can be a catalyst but there needs to be ownership if there is to be sustainability
– Hard to start dialogue on HR – with whom to talk, acceptance of human rights principles	– Use Constitution, use prior experiences, entry point in their own agreements
– Lack of coordination between donors (World Bank, US Aid, OECD) – Organizational difficulties – hard to find resources for analysis, time for establishing methods – Human rights language – Priority between rights	– Look to OECD/UN – Build trust

WORKING GROUP 2 – 'Participants are asked to take on the Zimbabwe Country Strategy Approach/ Analysis and apply the outcome of the previous working group discussions to the Zimbabwe strategy (problems and possible solutions to conducting a human rights analysis and setting human rights objectives). To discuss issues that confront programmers in implementing a human rights approach. Working groups are asked to identify and report back on *one problem that a programmer might face in implementing a rights based approach* and *a possible solution that might be available to that programmer*'

Problem	Solution
– Time, willingness for participation among donors, government, people	– Focus on government dialogue, actively seek people's views
– Lack of knowledge among our own staff (human rights, development, core definition of rights)	– Learn from bottom up (programmes/projects)
	– Learn by doing and through basic training
– Political leadership, technical leadership not one voice	– Awareness-building in political leadership in embassies
– Contradiction between 'objectivity' of analysis (sensitivity of recipient government), ownership, participation	– Use economic and social rights and country's own human rights commitments as an entry point to dialogue
– Personnel security if recipient government opposed	– Need training of staff in HR perspective – but not human rights training separate from other training
– Few people good at 'HR in development' especially in the field	
– Broader participation in analysis by donor, government (important for ownership and partnership)	– CCA process – should involve both multi and bilateral donors

Final session – One positive thing that the human rights approach adds to development

The participants in plenary were invited to put their ideas down in one sentence. This was then read out by the facilitators and comments were invited at the end of each exercise.

Accountability
- A way of holding governments accountable to agreed objectives
- Accountability!
- Accountability, analysis of power
- Increased transparency and accountability in development cooperation
- The legal notion strengthening accountability and the empowerment of the individual
- The obligation of the state coupled with the focus on the individual in development

Ethical dimension
- HRA adds ethics and dignity to our work and the stakeholders
- This approach places ethical questions at the centre of development
- Values basis to complement economic basis for development
- Recognition to non-quantifiable aspects of development, to complexities and inclusion

Better analysis
- Efficiency to better analyze, to better define obligations

- Identifying *patterns* of discrimination that perpetuate deprivation and vulnerability
- The analysis and assessment based on this approach give a realistic view of the inequities and inequalities of the country and allows you to focus on the causes
- Topographic map for culturally appropriate reform

Focus on the individual
- A deeper understanding, a better sustainable result, people focus
- Brokering between individual's needs – priorities in allocation of scarce resources
- Focuses development on the individual
- The user perspective – the individual perspective – the people who are *affected* by development are at the centre with human rights
- Focusing on the ones who lag behind regarding human rights
- Make budget priorities better informed and human-related

Common standards
- Common vision and standards as a basis for our work
- It provides a legal framework for developmental efforts
- Streamlines and promotes the knowledge and implementation of human rights

Participation
- Improves participation

Final session – Problem with the human rights approach within your own agency

The participants in plenary were invited to put their ideas down in one sentence. This was then read out by the facilitators and comments were invited at the end of each exercise.

Political sensitivities
– Reluctance of governments to admit the results of the analysis
– Reluctance to offend political sensitivities impedes through situation analysis
– Power relations – a rights approach may diminish 'my authority'

Lack of leadership
– All heads at headquarters level and at country level do not have the vision of a HR approach since they have not seen it in practice
– Commitment from the top lacking
– Full and *visible* commitment of the top leadership
– Output – not process/ methods – prioritized by management

Understanding of the human rights approach
– Incorporating approach in all facets of analysis (even economists)
– Integration versus compartmentalization
– Lack of awareness, information and training at all levels i.e. internalization
– Lack of cooperation between HR specialists and economic specialists
– Normal resistance to change

– Strong institutional resistance, mainstreaming fatigue, barrier of HR specific terminology
– To convince everyone in our organization
– What is human rights, are they also esc rights?

Seen as yet another fad
– Danger of "rights based approach" becoming meaningless rhetoric
– Is it more than words? What does it add in practice?
– Limited knowledge of development cooperation in general
– Excess of different approaches – "sectorialization"

Resources
– Resources (including skills)
– Ability and resources for a sustained effort
– Capacity building which requires political commitment, resources and new skills

Final session – Lessons learnt

The participants in plenary were invited to put their ideas down in one sentence. This was then read out by the facilitators and comments were invited at the end of each exercise.

Coordination and cooperation
– Understanding that in order to move forward coordination is necessary (at all levels)
– Need to bring in other major actors i.e. World Bank
– Possibility of greater coordination/ cooperation

- We can't do this alone – further practical cooperation is essential!

Use what is already happening
- Dynamic process – development going in parallel among many actors

- Different language depending from which angle you speak: development or HR angle

- Great commonality of approach, limited penetration through programmes

- Knowledge of others are struggling with the same problems but with the 'same' thinking

Need for practical experience
- Don't over hype – focus on practical and build on existing experience

- We need to continue to share experiences and focus on *practical examples* in the field

Gaines understanding of the approach
- Demystifying of human rights approach

- We are able to put it in practice

- We are trying the right thing

Further effort needed
- Need for clarity and commitment

- We are not done

- Seminar has deepened my understanding; I am still not sure about its applicability though

Importance of participation
- Importance of the bottom up approach

- The difficulty between the initial process and the external participatory approach

Appendix 3 – Donor Profiles

Denmark

It is the aim of Denmark's development policy to promote democratisation, respect for human rights, good governance and popular participation. Human development encompasses not only economic and social welfare, but also the right to live in assurance of the protection that comes from respect for the rights of the individual as laid down by international conventions on human rights. The opportunity for all individuals to engage democratically in the decision-making processes that have bearing on their own lives and the future of their countries is equally an integral aspect of human development. Denmark will work to promote popular participation in the development process because participation is a right for both men and women, and because popular participation is one of the means by which the interests of the poor may be promoted.

European Union

The European Union sprang in a sense from a reaction against historical events that had led to the abuses of human rights, in our own continent – the self-styled cradle of civilisation – on a scale never witnessed or suffered before. Now, fifty years later, we have succeeded in building pluralist, democratic societies which operate under the rule of law. That concern for human rights which was so evident in the post-war period has become one of the cornerstones of the Union. It is explicit in the Treaty. Article 6 establishes the Union on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. Article 11 considers, as one of the objectives of Common Foreign and Security Policy, CFSP, the development and consolidation of such principles. And Article 177 indicates that development co-operation is to be geared toward the general objectives of implementing such principles. (From a speech by The Hon Chris Patten)

Finland

The main objective of Finland's development cooperation includes the promotion of human rights, social equality democracy and good governance. This is expected to gradually influence the developing countries' economic and social welfare. The main fora to discuss human rights issues with partner countries in Finland's bilateral relations are the annual negotiations on development cooperation programmes. At the early phase of selecting partners of cooperation, attention is paid to whether the country strives to observe internationally acknowledged principles related to human rights and democracy.

International IDEA

The International Institute for Democracy and Electoral Assistance or International IDEA has been established in 1995 based in Stockholm to promote sustainable democracy worldwide. Membership is comprised of states, with international non-governmental organizations as associate members. International IDEA promotes a long-term perspective on the building and consolidation of democratic and the fostering of a democratic culture. The Institute seeks to strengthen national and local capacities to develop the full range of instruments and institutions

needed for democratic government. It provides options on various forms of democratic institutions and processes rather than prescribing any particular model. As part of this process, it facilitates dialogue between local actors and publishes assessments on the prospects for democratic development in individual countries. International IDEA integrates human rights and development approaches in all its policies and programmes for promoting democratic governance and culture worldwide.

ILO

The International Labor Organization has long made a connection between human rights and the development assistance it provides. In recent years this has increased significantly, with the share of externally-funded multi-lateral technical cooperation for human rights having reached 75% of all technical cooperation in the ILO. All ILO activities in this area respect the basic tenet of Decent Work, which encompasses classic human rights, as well as other concerns that allow economic life to be conducted with respect for human dignity.

Ireland Aid

Democratization and human rights are central concerns of Ireland's aid to priority countries. There must be a shift from a focus on civil and political rights to a broader concern with all rights – giving as much attention to economic, social and cultural rights. Building democratic structures is seen as a key aspect of Ireland's development efforts, both in the least developed countries of the Third World and in the emerging democracies of Eastern Europe.

Netherlands

There is a direct link between human rights and development cooperation. On the one hand, respect for human rights, application of the principles of the rule of law and introduction of a multi-party democracy can contribute to economic development that also honours the principle of equal distribution. On the other, development cooperation is not simply geared to economic progress, but also to progress in terms of individual rights and individual development. The promotion of a pluralist democracy, of social and economic rights and a society in which everyone has equal opportunities can help to achieve this. The Netherlands supports governments in their efforts to improve their human rights situation, and helps to create conditions that encourage compliance with human rights agreements, subsidizing human rights education projects and democratic election processes in countries in transition towards a democratic system.

Office of the High Commissioner for human rights

As mandated by the General Assembly, OHCHR is the UN's system-wide focal point for human rights, democracy and the rule of law. Under the Secretary-General's reform programme, launched in 1997, OHCHR has also been charged with facilitating the mainstreaming of human rights in UN development programming. OHCHR advocates a rights-based approach to development as a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. Essentially, for OHCHR, a rights-

based approach integrates the norms, standards, and principles of the international human rights system into the plans, policies and processes of development. The norms and standards are those contained in the wealth of international treaties and declarations. The principles include those of participation; accountability; non-discrimination and attention to vulnerability; empowerment; and express linkage to international human rights instruments.

Sweden

Sweden's overriding goal for its development cooperation is the raising of living standards of poor peoples. Sweden views development as consisting of a steady improvement in people's freedom of choice, security and control over their own life situation. Poverty is a lack of material resources and also a lack of security, opportunities and power. Our understanding of poverty and how to reduce it effectively is greatly improved by a human rights analysis; and this is complemented by insight into political and economic systems and the distribution of power, and how to change them. To strengthen its support to the struggle against poverty, in its many dimensions, Sweden thus seeks to apply a human rights perspective to its development cooperation. Its development cooperation should contribute to people's enjoyment of their human rights and strengthen the process of democratization, in partner countries and internationally. A human rights perspective should permeate all of its aid, thereby improving the quality of its development cooperation, making it more transparent and accountable, and enabling greater participation. Human rights provides a

common normative framework for fighting poverty, while democracy is the best known way to organize political life to do so.

Switzerland

The promotion and respect of human rights, democracy and the rule of law are priorities of Swiss foreign policy. In 1998 SDC published its guidelines "Promoting Human Rights in Development Cooperation". The guidelines are based on the principles of the international recognition of respect for human rights as a development goal, of minimum human rights standards as prerequisites for sustainable development, of the provision to civil society and disadvantaged sectors of the necessary freedom to develop individual initiatives, of the binding nature of international human rights law, and of the importance of development cooperation as an instrument for the promotion of human rights.

UK

Respect for, and commitment to, the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights is a constant theme of DFID's work. None of the International Development targets can be achieved on behalf of poor people without their engagement in the decisions and processes which affect their lives. Human rights are a central part of the work to achieve these Targets because they provide a means of empowering all people to make effective decisions about their own lives. Participation, inclusion and obligation are central to the realization of all human rights and consequently to the achievement of the International Development Targets.

UNDP

UNDP's mandate for the eradication of poverty can be understood in the light of the full realization of the right to development. Poverty is a brutal denial of human rights. Thus by working to eradicate poverty, by supporting the antipoverty capacity of governments and civil society organizations, and by ensuring that United Nations operational activities for development are fully coordinated for the eradication of poverty, UNDP is fostering the implementation of the right to development. UNDP also advocates the realization of human rights as part of sustainable human development, an approach that places people at the centre of all development activities. The central purpose is to create an enabling environment in which all human beings lead secure and creative lives. Sustainable human development is thus directed towards the promotion of human dignity-and the realization of all human rights, economic, social, cultural, civil and political.

UNICEF

Human rights, particularly the rights of children and women, are fundamental to the work of UNICEF. As part of the United Nations system, and guided by the UN Charter, UNICEF has a responsibility to work towards the realization of human rights, along with other UN system wide organizations, agencies and funds. In addition, its Mission Statement makes clear that the Convention on the Rights of the Child (CRC) is the organization's guiding frame of reference. In 1998, after nearly a decade of experiences in working towards the implementation of the CRC, UNICEF adopted a human rights-based approach to programming. Under this

approach, all UNICEF Country Programmes of Cooperation are focused on the realization of the rights of children and women. Furthermore, human rights principles guide all phases of the UNICEF programme process. This includes: how it assesses and analyzes the situation of children and women; how it sets objectives, designs strategies, and implements and evaluates programmes; how it builds partnerships and alliances; and how it works towards the adoption of public policies, legislation and resource allocations that will help ensure the full spectrum of children's rights.

Appendix 4 – Operationalizing the Human Rights Approach to Development in UNICEF Nepal

Charulata Prasada and Richard Bridle[11]

"We the Peoples of the United Nations determined to reaffirm faith in fundamental human rights, in the dignity of worth of the human person, in the equal rights of men and women and of nations large and small…"

Preamble to the Charter of the United Nations

"Development can be seen…as a process of expanding the real freedoms that people enjoy… Despite increased opulence, the contemporary world denies elementary freedoms to vast numbers – perhaps even the majority – of people."

Amartya Sen

Background

In 1996, the Executive Board of the United Nations Children's Fund (UNICEF) adopted a Mission Statement based on the Convention on the Rights of the Child (CRC) and its linkage to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Subsequently in 1998, an Executive Directive laid down guidelines on how UNICEF Country Programmes of Cooperation should adopt a Human Rights Approach to Development Programming for Children and Women. The Executive Board adopted this approach into organizational policy in 1999.

In Nepal, as part of the Mid-Term Review of the Country Programme, the Human Rights Council of

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[11] Charulata Prasada worked as Consultant on Human Rights with UNICEF Nepal from April to October 2000. Richard Bridle is the Deputy Representative and Senior Programme Officer at UNICEF Nepal.

Australia carried out an analysis of UNICEF's application of the human rights approach. This review identified a number of gaps, particularly in the areas of:

- action to reduce and eliminate discrimination and exclusion;

- building rights into decentralization processes;

- national advocacy, monitoring and capacity building;

- facilitating greater participation of stakeholders, especially children and women themselves;

- coordination on human rights both with the Nepalese Government and among the United Nations agencies.

In follow up to the MTR, a series of meetings with the UNICEF sub-national Field Office teams identified the need to conduct in-depth orientations for UNICEF field staff on the human rights approach and its operationalization in field programmes.

In a parallel development, the UN Country Team (UNCT) decided that the United Nations Development Assistance Framework (UNDAF), prepared in cooperation with Government during 2000, was to be founded on a human rights approach. Progress in this area was also essential to the formulation of the new UNICEF Country Programme of Cooperation 2002–2006, and it had an obvious interrelation with processes for operationalizing rights in UNICEF programming.

This paper describes the process and results of work on operationalizing the human rights approach to development in UNICEF Nepal, along with lessons learned from the process.

Process

Over the past three years, the Government and UNICEF Nepal have been pioneering a decentralized approach to programming, through the Decentralized Planning for the Child Programme (DPCP), in order to improve the efficiency and effectiveness of their cooperation in addressing some of the more complex issues facing children, such as young child malnutrition and early childhood psycho-social development. These problems were not susceptible to solution through traditional sectoral and vertical approaches.

The Government and UNICEF have also seen decentralization as the way forward to reinforce the rights of children and women. This strategy promotes participation of families and communities, allows for inclusion of the marginalized in processes from which they have habitually been excluded, facilitates more convergent programming across sectors to realize interrelated rights and, through support to local governance institutions, civil society organizations and community groups, can make government more accountable to the people. It is thus at this level that UNICEF Nepal has begun its process of operationalizing rights-based programming, beginning with its staff based in four sub-national Field Offices and nine of Nepal's 75 districts[12]. It was also felt important not to follow a traditional top-down approach; a rights-based programme should result from a rights-based process.

The process was developed through the following three key steps:

1. Desk review:
The desk review covered current human rights manuals and training materials. The majority of these focused on the history and principles of human rights and on various conventions. Available visual aids and presentation tools primarily related to legal aspects of operationalizing CRC/CEDAW and international humanitarian law. Development experiences were few, mainly focusing on civil and political rights and good governance but not approaching development in a holistic manner. The principle of indivisibility and multi-sectoral programming in donor experiences have gone largely undocumented or perhaps still remain largely un-addressed. Overall, there appeared to be few existing examples of models or materials in operationalizing human rights.

2. Field analysis:
Field visits[13] were made to four of the five development regions and all four UNICEF Field Offices with the objective of identifying key issues in programmatic and operational elements of development cooperation. During these visits particular attention was given to meeting with all stakeholders (community groups of men and women, children's groups, front line workers, district representatives of central ministries, local governance institutions and UNICEF field staff). The field visits were structured according to the preferences of the UNICEF Field Offices and District Field Officers. There was no predetermined framework. However,

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[12] UNICEF has four sub-national Field Offices in Nepal: in Nepalgunj, covering the Mid and Far Western Regions (focusing particularly on Dadeldhura, Achham, Humla and Dang districts); in Pokhara, covering the Western Region (focusing on Kaski, Tanahun, Kapilbastu and Nawalparasi districts); in Lalitpur covering the Central Region (focusing on Chitwan, Parsa and Kavre districts); and in Biratnagar, covering the Eastern Region (focusing on Udayapur and Sunsari districts). There are thus currently13 posts for district-based staff, but at the time of this exercise four of the posts were vacant.

[13] The field work component of the exercise was carried out by Charulata Prasada, with assistance notably from the Field Office staff in Nepalgunj, Biratnagar, Lalitpur and Pokhara, along with Anita Dahal, District Field Officer in Dang and Govind K. Chhetry, District Field Officer in Sunsari.

three focal areas were identified: (i) barriers to participation and areas of discrimination; (ii) capacity building needs; and (iii) critical entry points for rights-based programming.

During the field visits, it became apparent that UNICEF field staff were familiar with CRC/CEDAW and in many cases the basic background of human rights and their principles. The major challenge for operationalization identified at this point rested in the need to clarify knowledge of human rights principles into a framework for analysis, strategy and programme approach. In sum, there were few connections being made between human rights principles and programme strategy.

In terms of UNICEF programme strategy, the main conclusion of the field visits was that programming was disparate with differing inter-pretations and emphasis on:

a. community action process;

b. geographic coverage;

c. integration and convergence;

d. process and outputs.

The strength of UNICEF supported programming rests in the concentration on effectively promoting participation, particular using the AAA methodology to mobilize informed participation. However, issues of coverage centering on extremely disadvantaged communities (including "untouchables") remain a challenge. In some regions and districts, the geographic coverage was based more on opportunity than responding to vulnerability.

The reduction of gender discrimination and affirmative action for women and girls are one visible area of programming. The key priority was to ensure that gender was a central component of rights-based

programming, though this needs to be further strengthened and mainstreamed.

Indivisibility was a challenge, due to the limited progress towards convergence and integration of sectoral programming into DPCP. Convergence at this point is interpreted in geographic and efficiency terms, rather than addressing indivisibility through integrated, holistic programming.

Although participatory monitoring is playing a role in programming, it is neither systematically considered as the method for gathering reporting information, nor analyzed in terms of promoting accountability. Overall, a mindset of reporting to *higher authorities* (central and district governments and the UNICEF Country Office) appears to be the underlying determinant of monitoring and evaluation processes.

3. Workshops with Field Office teams:
Three-day workshops were held with each of the Field Office teams (staff of the Field Office itself and the District Field Officers assigned in the concerned regions). The purpose of these workshops was to help each team to:

• achieve common levels of understanding and consensus on human rights principles and their applicability to UNICEF programming;

• identify challenges and barriers to rights-based programming in the context of Nepal;

• analyze the strategic options made in programme planning, implementation, participatory monitoring and partnership criteria based on experience of current application of rights principles in field programmes; and

• develop a vision for rights-based field programming in the short (2001 project plans of

action) and medium (Country Programme of Cooperation 2002–2006) terms, along with the actions required by the team to move towards that vision.

The workshops used a mix of methodologies. For conceptual clarity, three PowerPoint presentations covered basic concepts, application in UNICEF programming, and monitoring and evaluation. Each presentation was followed by participatory exercises on:

- challenges and barriers, using visualization in participatory planning (VIPP) methodology – writing ideas on cards and clustering the responses;

- best practices in current Field Office programming from a rights perspective, through group work on flip chart paper;

- generic strategic choices in programming based on an analysis of the previous exercise, through a free flowing discussion with a facilitator noting key points;

- opportunities and challenges in participatory monitoring and evaluation, using VIPP;

- strategic choices for participatory monitoring and evaluation, through a free flowing discussion with a facilitator noting key points;

- analysis of partnerships in current Field Office programming, through group work on flip chart paper;

- strategic choices in partnership selection, through a free flowing discussion with a facilitator noting key points.

Compilations were made of the all the strategic choices of the Field Office to feed into the application exercises.

The teams carried out two major application exercises to set out the Field Office team's vision for rights-based programming and steps needed to reach the vision. Firstly, small groups or individuals developed rights-based visions for individual projects and identified the gaps between the vision and the current reality. Then the entire team worked on developing an overall vision for development of right-based programming in the short (2000–2001) and medium (2002–2006) terms.

Finally, the teams presented their rights-based visions and discussed:

- application of the visions in the context of developing the strategy for the next Country Programme of Cooperation; and

- implications (based on a role play) of rights-based programming on how we work together in UNICEF – application of human rights principles to personal interactions in the workplace.

In such a completely new area of UNICEF programming, the workshop facilitators[14] were necessarily learning while doing. They thus adopted a very flexible approach to timing and organization of the various exercises. They also felt it very important to adapt to the wishes of the Field Office teams, so that they would own and substantively shape the process of developing from the traditional needs-based to the rights-based approach. For the same reason they generally left the teams to carry out their own analyses with an absolute minimum of input from the facilitators; the Field Office Chiefs mainly facilitated these exercises. This was an attempt to use a rights-based process to facilitate rights-based programming.

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[14] The authors of this paper served as facilitators for the workshops.

At the end of the workshops, participants were left with copies of all the presentations, as well as some other guidance material. This included some elements of the work being done by the UNICEF Eastern and Southern Africa Region and the draft pocket guide on child rights-based programming being produced in the UNICEF Regional Office for South Asia, on which they were requested to forward their comments.

Results

Two main products were derived from this process. Each Field Office team now has a compilation of all of its strategic choices for rights-based programme and an outline plan of how it intends to transform its programming in the short and medium terms. The latter has also been a key input to the preparation of the new Nepal-UNICEF Country Programme of Cooperation 2002–2006.

Some examples of strategic choices made by different UNICEF Field Office teams are given below:

Partnerships

(from the Mid and Far Western Region)

– Working with government/peoples representatives

– Working with partners who are trusted by the poor and have solidarity with them

– Helping partners to become facilitators rather than implementers

– Rights capacity building of partners

– Multi-partner approaches for convergence

Monitoring and evaluation

(from the Eastern Region Field Office team)

– People have a right to be involved in monitoring and evaluation – monitoring as part of AAA process

– Facilitation is key (impartiality, as well as quality)

– Monitoring by those closest to the action (subsidiarity)

– Imaginative solutions – informal networks, innovative methodologies

– Appropriate feedback mechanisms

Focus on the most vulnerable

(from the Western Region field office team)

– Focus on marginalized/disadvantaged

– Participation of people themselves in decision-making

– Building capabilities of the poor to articulate/demand

– Promoting change agents from within poor communities

– Responsiveness/flexibility to vulnerability

– Working with organized communities

Community based programming

(from the Central Region Field Office team)

– Centrality of community processes (AAA)

– Decisions made by stakeholders

– Capacity building of stakeholders

– Community involvement in planning

– Organization of people in groups for participation, transparency, solidarity (psychological oneness)

The *rights visions*, each prepared for one district[15] in the concerned region(s) as an example, are too long to be presented here. They each looked at existing opportunities and challenges, and then set out outcomes to be achieved and processes developed over the next year and in the following five-year programming cycle, along with the priority actions to be taken by the Field Office team itself. Essentially they took the strategic choices and decided how these could be operationalized within existing and future envisaged programming frameworks, assuming a continuation of the decentralized approach described above.

There was naturally great emphasis laid on advocacy with and capacity building of key partners on the human rights approach to development and further skill development among UNICEF staff. Among key assumptions and risk factors, the Field Office teams were clear that interagency cooperation must continue to strengthen, in order to:

• realize better convergence of programming, not only from UNICEF cooperation but also across programmes supported by various agencies;

• have common visions of a focus on the most vulnerable and on building accountability of the State and other agencies to the people;

• redress the current fragmentation of community groupings, which are separate according to the programmes supporting their mobilization, so that they can become more consolidated and representative bodies capable of giving the poor a *political voice*;

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[15] Two Field Office teams decided to do this for a real district and the other two for a *virtual* district that was a composite of all the focus districts in their region(s).

• carry out more effective advocacy on rights with governmental organizations at both central and decentralized levels.

Lessons learned

This has been a learning experience due to both the novelty and the ambitious expectations of the exercise. Lessons learned relate to the design and process of the workshops, the substance of current programming and the strategic choices that Field Office teams will be applying to strengthen their rights-based programming. Indeed, the substantial lessons of this process are reflected in the analytical work of the Field Office teams and need not be reiterated.

Lessons learned from the process:
The process adopted in the workshops was flexible. Although the objectives and outcomes of each exercise remained the same, the form of presentation, timing and responsibilities for the exercises were responsive to the preferences of each Field Office team. This is recommended given the programmatic and human resource diversity of each of the teams. Assuming that the detailed qualities of rights-based programming are evolving and dynamic rather than predetermined, we found that less structure, instructions and interventions by facilitators yield both practical and interesting insights. This was confirmed by the high level of analysis and outputs of the workshops.
The primacy of processes that are qualitative, that focus on equity and sustainability surfaced as a result of every exercise. Some additional group work on categorizing and understanding activities and

indicators in relationship to process and outputs would be excellent follow up. As the workshops progressed we realized that it was important to differentiate between factors and variables that the Field Office teams had control over and broader factors that would involve policy changes or advocacy on the part of the Country Office and others. In future exercises, this should be given priority.

In order to promote consistency and complementarity, it would be very useful to undertake a similar process with UNICEF implementing partners as well as those of UNDP, particularly in relation to its support to the Participatory District Development and Local Governance Programmes (PDDP & LGP), with which the UNICEF assisted DPCP is intimately linked.

1. Lessons learned in programming and strategic directions:

Given the emerging emphasis on vulnerability, it will be important to develop vulnerability criteria to facilitate programming choices towards the progressive realization of rights through consistent strategy rather than opportunity. These should be regionally specific and affirm UNICEF's child-centered priorities. The need to develop criteria for vulnerability will be critical to focusing programming that responds to relative deprivation.

The presence of already established, well-functioning community-based organizations (CBOs), based around the mobilization of credit and savings, was presented as an opportunity and often referred to in the context of success strategies. However, given the systematic exclusion from these groups of those too poor to contribute to savings schemes, there is a clear contradiction with the objective of addressing the rights of those that are marginalized from established networks. There is clearly a need for a policy decision with concerned partners, as well as the development of criteria and strategies for the inclusion of these marginalized populations.

The scaling up of participation at various levels, frequently through federation of CBOs (that have also become representative of the marginalized and vulnerable) to sub-district, district and even national levels was a consistent strategic choice. Ensuring that this process is informed by a rights agenda will be a priority to help establish a link between community action and advocacy. A further linkage between district level advocacy and centre-led advocacy must also be forged.

Further work on identifying structural and operational issues related to strengthening the strategic choices/processes for rights-based programming would be absolutely necessary to support the Field Office teams' short and medium term plans. It would also be desirable in the context of moving rights-based programming forward.

There was consensus that participatory monitoring systems promote transparency. It would be worthwhile to systematize participatory monitoring in UNICEF co-operation. Further coordinated attention should be paid to this at both Field and Country Office levels.

There is a great diversity in the location, content and approach of different programmes. In the decentralized approach, many initiatives now have their origin in the work of the Field Offices and District Field Officers. We found examples of this in areas such as:

- developing NGO capacities – Central and Western Regions;

- data and information systems – Eastern Region;

- working with representative organizations of the disadvantaged castes – Mid and Far Western Regions.

There should undoubtedly be others as Field Office teams take on increasing authority for decentralized programming in a manner that is sensitive to the peoples and areas under their responsibility. Sharing to ensure that the positive lessons learned are replicated and fed back to have an impact on national policy will be critical. As Field Offices develop areas of comparative advantage, it would also be useful to increase the levels of technical support that Field Offices can provide to each other.

The workshops produced numerous case studies of best practices, in addition to documentation and mapping. The potential to understand and adjust programmes on the basis of further analysis of these exercises will be very useful both to individual Field Office teams and to the Country Programme as a whole.

Challenges ahead

So what should be the next steps? Clearly, the move from needs to rights-based programming cannot be achieved simply through an exercise that so far has lasted around six months and that involves only about half of the staff of UNICEF Nepal. We have surely to involve our partners (government entities, NGOs, CBOs, etc…), since they are the main stakeholders in UNICEF supported programmes. We also have to address the rest of the UNICEF Nepal staff in the Country Office. However, the basis has been laid in the area of greatest need. UNICEF cooperation does follow primarily a decentralized strategy, and it is its field staff that increasingly will have the responsibility

for facilitating the pursuit of a rights approach with partners in the field.

UNICEF field staff have gone a long way in understanding human rights principles and their application to their programming and interpersonal relations. They can still progress further and should not be left unsupported. Some Country Office staff (mainly Section Chiefs) and national level partners have gained some experience in the preparation of the UNDAF, but again there is a need to bring everyone *up to speed* on this new way of looking at our development cooperation. One of the best practices of this exercise was its linkage to practical work, rather than a mere theoretical presentation of a rights-based approach. Thus its extension, both in the field and at national level with both UNICEF staff and their partners, will best be done in the context of the preparation of the next Country Programme.

In order to build on the strategic choices of the Field Office teams, policy and attitudinal changes are also required at the Country Office level, as well as among central level partners. Pursuing rights through a decentralized approach demands a more supportive, rather than directive, role from those in the capital

Further work on operationalizing the rights approach must also involve other development partners (UN agencies, bilateral donors, international NGOs, etc…) that are equally working on human rights in relation to their own programming. UNICEF operates within this environment, not outside it.

Finally, one of the original objectives of the exercise was to provide UNICEF staff and others with a reasonably comprehensive set of guidance materials, which we had intended should be web, rather than paper, based. This would facilitate its use in whatever manner makes sense to the user (also a rights-based approach?). Some of this has been done in the preparation and documentation of the

workshops, and in compilations of material available from UNICEF Headquarters, its Regional Offices and from other agencies. This material will shortly be organized and placed on a website, but it needs to be an ongoing process.

Appendix 5 – Mainstreaming Human Rights in SDC Country Programmes Case Study: Pakistan

Swiss agency for development cooperation

1. Background of the SDC action in Pakistan

The Swiss Agency for Development Cooperation (SDC) has been working in Pakistan for more than 30 years. In 1977, Pakistan became one of the priority countries of SDC and a Co-ordination Office was opened.

In the nineties, special attention was given to human rights as positive developments meant new opportunities appeared. Many Pakistani NGOs became more active and their work started to be broadly recognised, media started to play an important role and the government established a human rights wing in the Ministry of law, justice and human rights.

In 1996, an SDC "framework paper" for human rights in Pakistan was finalised, one year before the completion of the SDC guidelines for promoting human rights in development co-operation. The overall objective of this document, which is in the process of being reviewed, is *to raise awareness of and compliance with Human rights requirements in government and civil society*. The strategies to reach this goal are:

- to support the Government initiatives and dialogue on Human rights;

- to strengthen awareness and respect for human rights in society;

- to improve the level of awareness among the expatriates and national staff working in Swiss sponsored programmes.

In 1997, a human rights dialogue between the Governments of Switzerland and Pakistan started.

This dialogue is under the responsibility of the political directorate of the Ministry of Foreign Affairs but supported by and completed with SDC operational projects.

In 1999, following the nuclear tests, the Swiss Government requested SDC to screen all its projects with a human rights criteria (also in India). Other criteria include decentralisation, poverty alleviation and strengthening civil society.

2. Why consider human rights as a development priority?

The promotion and respect of human rights, democracy and rule of law are priorities of Swiss foreign policy. In 1998, SDC, published its guidelines "promoting human rights in development co-operation". The guidelines are based on the following principles:

- The respect of human rights is recognised by the international community as a development goal.

- A minimum standard of human rights is a prerequisite for sustainable development.

- The respect of human rights provides a favourable framework for development. It provides civil society and disadvantaged sectors of the population with the necessary freedom to develop individual initiatives.

- Human rights are binding standards under international law. SDC must not violate human rights and must promote and protect human rights concerns.

- Development co-operation is an important instrument for promoting human rights concerns.

3. Strategic principles

a) Work in a sectoral and transversal way

Human rights issues have been integrated in the SDC Pakistan programme in a transversal and specific manner. All SDC projects must not violate human rights and must promote their respect.

Empowerment, promotion of decentralisation, participation as well as *human and institutional development* programmes are essential dimensions of the SDC programme in Pakistan. They ultimately support democratic structures and the respect of the rule of law and human rights.

b) Complement human rights policy dialogue with operational activities

The political directorate of the Swiss Ministry of Foreign Affairs is in charge of conducting a human rights policy dialogue with the Pakistani government. Discussions and visits were organised in Pakistan and in Switzerland with representatives of both governments as well as Swiss and Pakistani NGOs. The priorities defined jointly are: women, child labour, awareness raising and penal reforms. SDC is supporting operational projects in each of these fields.

c) Work at different levels, with different partners and establish links between them

Intervention at the national, regional and local level with different partners (NGO, government, international organisations) is essential. It is important to establish links between these different levels and partners.

d) Limit and manage the risks

Evaluate the risks taken by SDC partners and avoid putting them under pressure or to take unnecessary risks. Monitor carefully and document human rights and political developments

e) Train the staff

International and national staff must be trained in human rights. It is important to evaluate experiences and to share learning processes.

4. Human rights and non formal education: a priority of the SDC programme in Pakistan

4.1 A priority sector: human rights and non-formal education (annexe 1)

Human and institutional development are the foundation of the SDC Pakistani programme. It aims at the empowerment of partners through participation, decentralisation, private-public partnership and directly links to democratisation and human rights.

In 1999, Human rights and non-formal education became one of the three priority sectors of the SDC Pakistan Programme. The priorities of the human rights sector are: awareness raising, child labour, rights of disadvantaged women and children and penal reforms.

The theme Human rights is closely linked to education and empowerment. Therefore, SDC is supporting non-formal education programmes for girls who have no access to public education. Non-formal education is also closely linked to poverty alleviation and income generation.

The resources attributed to this new sector should increase in the coming years from 10% to 24% in 2005.

The human rights projects are closely linked with other sectors that can directly support the establishment of a democratic society.

5. SDC Pakistani experience in mainstreaming human rights

5.1 Human rights, empowerment, decentralisation and poverty alleviation, criteria to screen all projects

In 1999, all SDC projects in Pakistan were screened according to human rights criteria. This required many discussions since human rights became a new criteria that did not exist before. Furthermore, human rights are complex and abstract.

Internally, this criteria became compulsory during the whole project cycle, from planning to evaluation.

Decentralisation, poverty alleviation and empowerment are other criteria to screen all projects. There are directly linked to democratisation.

5.2 Building our own competence

Sensitisation and training are considered as preconditions for human rights mainstreaming. Therefore, SDC organised training organised for all its staff. It started in August 2000 and will be followed-up. The major topics of the workshops that were organised included: introduction to human rights; the Pakistani legal instruments; introduction to the rights of women, children, minorities, prisoners, etc.; the human rights situation in Pakistan; the SDC human rights policy; integration of human rights principles in SDC projects and programmes.

5.3 Developing a working instrument to provide direction

A guideline on human rights in Pakistan was elaborated in order to provide guidance and to better define the role of SDC. This working document was elaborated internally and then, completed with the support of human rights professionals. This exercise allowed the Pakistani team to better understand the concepts, their complexity and the challenges to be faced. It helps to raise awareness and can be considered as an important first step for mainstreaming.

6. Lessons learned

- The first step *is to build our own competence* on human rights. Human rights are new in development co-operation and internal competence building is necessary.

- The development approach complements the "traditional" human rights approach (long term perspective, capacity building, etc). and vice versa.

- Having a sectoral approach helps to mainstream human rights in other sectors.

- Using human rights criteria to screen all projects is challenging but a good exercise to raise our own awareness and capacities and to define the challenges and the framework of a mainstreaming strategy.

- Decentralisation, empowerment and institutional development are essential principles to promote democracy and respect of human rights.

- There is a need to work at different levels with different partners.

- Human rights policy dialogue should be complemented with operational programmes/projects.

- The cultural dimension must be taken into account.

- In a fragile environment, it is important to carefully monitor the situation and to manage the risks.

7. Some human rights challenges to
be faced in Pakistan

- What are and where are the limits of a human rights programme in an non favourable environment?

- Which impact can we expect? Even if progress are realised in some areas, there are still massive violations and no improvement in other sectors.

- Gaps between the social and cultural reality and the political will?

There is a gap between the will of modernisation and democratisation and the reality of the country where feudal and fundamentalist lobbies play an important role and undermine the action of the government. Discrimination against women is still common and is justified using tradition and religion.

- Gaps between political will and practical steps taken

- Making sure that political commitment is translated into practical actions. Human rights in a difficult social and economic environment is not a priority. There is a need to link human rights with poverty alleviation, empowerment and economic development.

- How to introduce the issue of human rights and their universality in an Islamic environment?

- Mainstreaming might be an answer. We can approach human rights indirectly through social or economic sectors. For example, education for girls in order to improve the health of the population, to reduce poverty, etc.

Appendix 6 – Country Strategy Development: Guide for Country Analysis from a Democratic Governance and Human Rights Perspective, Swedish International Development Cooperation Agency

This guide is a working tool to assist in carrying out a country analysis as the basis for Sweden's country strategy. The questionnaire provided here is not exhaustive. It aims to frame in the area of democratic governance and human rights, *but it must be adapted to the reality of each region and country.* Depending on the level of priority given to democratic governance as an area of cooperation with a specific country, the use of the text below may vary. Where democratic governance and human rights has been indicated to be a priority goal for cooperation, this guide should be used to its full extent. In countries where this subject has been assigned lower priority, the guide may be used in less detail. However, the principal areas of democratic governance that are presented below should be included in any country analysis, as they are relevant to a proper understanding of the poverty situation, gender relations, and environmental care.

There will often be a need to go into greater detail in the analysis of some specific topics than the questions here provide guidance for. This guide should in these cases lead to and be complemented by an analysis in greater depth of areas such as e.g. the rule of law, decentralization, corruption, or child labour.

The order in which the dimensions of democratic governance are presented below is not hierarchical. The guide is structured on the scope and content of democratic governance and not that of a country strategy document. It should be applied flexibly to the currently prevailing structure laid down for the country analysis; its questions are relevant to most of the chapters to be written in such an analysis.

1. Democratic governance

In 1997 the Swedish International Development Cooperation Agency, Sida, produced the action programme "*Justice and peace: Sida's programme for peace, democracy and human rights*". The Swedish Government policy paper "*Democracy and human rights in Sweden's development cooperation*", 1997/98:76, soon followed, and together these policy documents form the basis of these guidelines on country analysis.

Through these policy papers, Sweden has decided to promote a democracy and human rights-based approach to development. In principle, the Swedish ambition is to support *the struggle against poverty,* using an analysis of both the society in question and our intervention in it, from the perspective of the situation of democracy and of respect for human rights at all levels of the society. In its broad definition, poverty is a state of violation of almost all human rights; and lack of democracy excludes the poor and leads to greater poverty on the long term. If we can help bring about respect for human rights and assist in democratization, we will make a major contribution to poverty reduction.

Subject-wise, both these policy documents discuss and develop the concept of democratic governance. An international consensus is becoming established around the idea of *democratic governance,* an umbrella concept which unites the areas of peoples' participation, democratization, human rights and good governance. The grouping of these four components into the one concept of democratic

governance clearly illustrates the political nature of all the components; none of them can be considered technical or purely administrative – they all have to be evaluated on the basis of the political situation in the particular country we are working with. This consensus is reflected in the OECD/DAC use of the concept and in the UN resolution on 'promotion of the right to democracy' which was adopted by the Commission on Human Rights in 1999. The structure of these instructions builds on these four components of democratic governance.

Sweden has decided to develop democratic relations of *partnership* with the countries, organizations, and people we support. This partnership is based on the HR conventions that both parties have ratified, which further strengthens the rationale for promoting democratic governance. Promoting democratic governance is however an approach which is somewhat broader than a rights-based approach to development, as it specifically includes the issues of popular participation, division and balance of state power, good governance and the building up of a democratic culture.

1.1 Human rights

The *basis of human rights* is that everyone is born free and equal in value and rights. Human rights are covered by a series of international and regional conventions (legally binding agreements) and declarations (politically or morally but not legally binding agreements – see www.ohchr.ch). In Swedish development cooperation, the six central conventions are given special priority; the International Covenant on Civil and Political Rights (CCPR), the International Covenant on Economic, Social and Cultural Rights (CESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Convention on the Rights of the Child (CRC).

The UN has a *reporting system* for monitoring the observance of the contents of the UN human rights conventions. The reports contain the government's own assessment of the extent of respect for the main human rights conventions. The reporting procedure and the concluding observations of the respective committees should be examined in doing a country analysis, as they provide a good indication of the human rights situation in a country, and also serve as a basis for dialogue between Sweden and the partner country – since living up to the conventions is a matter of mutual concern between our countries.

To be able to maintain and demand their rights, people have to be *informed* about them. The government is therefore responsible for providing information about the contents of the human rights conventions that have been entered into, and should ensure that this information also reaches marginalized groups. Does the government do this? As regards the *conventions*, examine carefully:

– which conventions the government has entered into

– whether legislation and the constitution are set up in accordance with the human rights conventions

– whether traditional law, if it is applied, is in accordance with human rights

– whether the state follows the recommendations of the UN treaty bodies regarding the implementation of the conventions

- whether the government systematically disseminates information and knowledge about the contents of the conventions within the administration and to the public

- what government and public attitudes are to the conventions; are they considered as relevant and binding or seen as a foreign imposition?

- whether there is an independent public institution for defending human rights.

An institutional definition of democracy (see *1.2 Democratization* below) establishes the rules for political interaction and representation but does not primarily concern itself with the substance of or the output from the political system itself. Human rights, however, can be said to constitute important parts of the *substantial contents* of a democracy. Human rights contain rules on what the government shall provide or guarantee for individuals, *inter alia*: free basic education, the best possible state of health, tolerable working conditions, food, rest and recreation, housing, social security, access to independent justice, protection from attack by other individuals or by the government itself.

Human rights are the rights of the *individual* and it is the *government* that has the responsibility to respect, defend and satisfy these rights. A human rights perspective in development cooperation puts the focus on the individual and on the obligation of states as duty-bearers to guarantee and deliver these rights. All human rights – economic, cultural, social, political and civil – are universal, indivisible and mutually interdependent. In the case of economic, social and cultural rights the government must use its available resources (economic, legal, natural, etc) to the full, to ensure that these rights are gradually realized. This

means that measures shall be taken irrespective of the level of economic development, but that there is room for discussion on government priorities in its budget work, law reforms and so on. In particular, the issues of sustainability and quality need to be considered, so that e.g. the consumption of natural resources is balanced by their protection and replacement. The Government budget and other allocations are an important indicator of respect for human rights (see 1.4 below).

Civil and political rights can be divided into the following categories: rules on the rule of law, rules for the mechanisms of democracy, and rules on personal security and integrity. The economic, social and cultural rights, including the right to education, can in turn be grouped into rules on a satisfactory standard of living and rules on personal security and integrity.

The observance of all these rights should be permeated/characterized by the basic principle of *non-discrimination*. Irrespective of race, colour, gender, language, religion, political or other conviction, lineage or other position, everyone shall have the same access to all rights. Neither may discrimination take place on the basis of age, as the CRC indicates that economic, cultural, civic, political and social rights (with only a few exceptions) also apply to children up to 18 years of age.

In many societies *women and children* have their rights violated and neglected to a greater extent than men do, and it is often difficult for them to protect and demand their rights in relevant forums. The CRC further states that children have the right to protection from abuse, including sexual exploitation, in their families and in society. Without exception, therefore, the questions to be asked when analyzing the situation in a country should be answered by and

as regards women, men, girls and boys. In many cases the answers will differ significantly according to sex and age group.

Rule of law:
- is there equality before the law or is a distinction made in legal status on the basis of economic, social or ethnic position; e.g., do women have the same legal opportunity as men to own land, to inheritance?

- does everyone have the opportunity to have their case tried in court; is the law accessible and is legal aid available for the poor?

- are there legal proceedings against crimes against human rights or is there a system of impunity, i.e. do perpetrators go unpunished?

- are the courts independent so as to ensure that the right to an impartial and just trial is respected?

- do the police and courts respect and protect the poor, especially women and children?

- how is 'traditional' justice administered in relation to 'modern' legislation?

The human rights that constitute the fundaments of democracy in the institutional sense are spelled out below (see 1.2 Democratization) and are therefore not repeated here.

Personal security and integrity:
- are there arbitrary detentions, and arrests without trial?

- is the death penalty allowed and practiced?

- do the police or other parts of the legal system practice torture?

- do the constitution and legislation permit different religious communities, and can people freely and without hindrance practice their religion?

- does political imprisonment occur?

- does the state engage in or ignore the exploitation and oppression of the poor, e.g. through land theft, forced removals of communities, lack of compensation for violations?

- does the state encourage or ignore the oppression of women, in particular, forced marriages, "honour murders", female circumcision and the like?

- is school discipline administered in a manner consistent with the child's dignity?

- does legal protection and administration take care of sexually exploited children and follow up on child abuse?

- are new-born children registered so that they can obtain citizenship/nationality?

Rules for private and family life can also be included under this heading:
- does the government respect and defend the right of the individual to freely enter into marriage; are any measures taken against arranged marriages?

- can girls and boys express views in the family that differ from those of their parents?

The principle of *non-discrimination* is central. It shall be broadly interpreted and can mean that certain neglected and marginalized groups have a right to affirmative action. Ethnic minorities and indigenous populations are often among the poorest and most

vulnerable groups in the society in which they live. This also applies to people with different forms of disability. In these matters:

- are there rules in the constitution or other legislation on the position of minorities and indigenous peoples in society?

- does the government have any special policy for minorities, indigenous peoples and the disabled?

- if these groups meet with social discrimination, does the government *de facto* take any measures against discrimination?

- is there any discrimination against children born out of wedlock; do they for example have the same rights of inheritance as children born within wedlock?

- is there discrimination against women in law and in practice?

- is there discrimination against homosexuals in law and in practice?

- is there discrimination in respect of employment and occupation?

In many of the countries with which Sweden conducts development cooperation large parts of the population are living with *HIV/AIDS*. These people too constitute an exposed and vulnerable group. It is therefore of concern to see how the government treats these people in terms of respect for their rights.

Satisfactory standard of living:
This heading covers a series of economic, cultural and social rights which shall be gradually realized by means of all the resources available to the state:

- is alternative housing allotted e.g., in the case of forcible evacuation of shanty towns (the right to housing)?

- is elimination of all forms of forced labour respected?

- is infant mortality high and if so are measures taken to reduce it (the right to the best possible state of health)?

- are the health care authorities active in preventing epidemics (the right to the best possible state of health)?

- is support provided to mother and child health care?

- are contraceptives available for all in combination with sexual education and information?

- is adolescent sexual and reproductive health promoted?

- is there habilitation and rehabilitation of individuals with disabilities and mental illness?

- does child labour occur? if so, what seems to be the security situation for working children; are they reasonably paid for their work (the right to tolerable and fair working conditions, including the right to equal pay for equal work)?

- does child labour interfere with the rights to health and education?

- is there freedom of association in the labour market and effective recognition of the right to collective bargaining?

- is ownership protected under law, and are there rules for when and how private property may be confiscated?

- is there reasonable payment and compensation in the case of such confiscation?

- how are land disputes solved and how does the problem of land theft affect agricultural productivity and production (the right to food)?

- do legislation and public policy respect the rights of new generations to sufficient natural resources and a livable environment?

The right to education:
- does everyone have access to primary education, or do e.g. geographical distances or lack of schools, make it difficult for some children or groups to attend school?

- is primary education compulsory?

- is it *de facto* free of charge or are the poorest children excluded from lessons because of expensive schoolbooks or uniforms, for example?

- do children learn about their rights in school?

- do the children have a say in the planning and running of schools; are participatory methods used in the teaching?

- does the school co-operate with the parents and the community of the child?

- are children protected from sexual exploitation and abuse in the schools?

- are the teachers formally and *de facto* competent to teach?

- can parents freely choose a school for their children?

1.2 Democratization
The term *democratization* is here used to stress that democracy is a process and not a benchmark. Democracy is described in our policy documents as democracy in an *institutional* and a *cultural* dimension.

The institutional or constitutional definition of democracy comprises a system of formal processes and institutions, and a division and balance of power between the executive, legislative and judicial branches of government. The primary constituents of institutional democracy are made up of political and civil rights and freedoms and consist of:

- regular, free and fair elections

- the observance of citizens' and political rights, for example in the form of freedom of expression, assembly and organization, the right to stand for election and respect for the principle of non-discrimination

- independent judiciary

- independent media.

These are the essential elements of democracy, which are well documented in the form of indicators and are frequently used to measure the degree of democracy in different countries. Analyze the country as regards performance on these universal criteria.

The following criteria indicate *political and civil rights* that are important mechanisms of democracy, without which elections would not be meaningful:

- is there really freedom of expression and opinion, or is this freedom restricted by e.g., media censorship or self-censorship?

- are meetings and demonstrations permitted or is it harder for some groups, such as those in political opposition, to obtain permission to hold a demonstration?

- can one freely build and join an association, and, vice versa, can one freely leave an association, including trade unions?

- do the election rules permit everyone to exercise their right to vote (see also above)?

- may every citizen stand for election?

These criteria should also be examined from the *gender* viewpoint in order to see how this affects the political participation of women.

One should see the *electoral process* as a lengthy procedure, and put such questions as:

- how is any government financing of political parties composed? Is it equitable?

- has registration taken place in a manner accessible to the whole population, including women and marginal groups?

- have the opposition parties had a degree of access to the media, including radio and TV, equivalent to the access by the ruling party and the president?

- are the constituencies equitably divided up in an impartial manner?

The dimension of institutional or constitutional democracy also incorporates government power distribution at central, regional and local level. An important starting point is that democracy is a system for *power sharing,* an organization for the exercise of power by the government, and a distribution of tasks within the government as expressed in the constitution. The division of power within the government concerns the executive (the president, the government), the legislative (the parliament) and the judicial (the courts, the legal system) authorities. The division of power has two components: clear mandates and areas of responsibility for these three branches of government, and a fair balance of power between them, i.e., horizontal accountability.

The main problem with regard to the division of power in developing countries today is the dominant position of the *executive power* (usually the president). Look into the following questions:

- can the legislative assembly dismiss the executive through a vote of no confidence?

- how much power of nomination of officials does the president have in regard to the courts, bureaucracy, military, police and parliament?

- does the president have the power to veto law proposals from legislative assemblies?

- can the president declare war without the approval of parliament?

- is the president in any important respect exempt from normal legislation?

- are there rules for co-habitation, i.e. for the president to represent one party and the majority in parliament another?

- to what extent does the executive power use government and administration resources to retain its position of political power?

- is there a clear separation between the ruling party, the government and the administration in the provenience and use of funds and resources?

The following issues can be relevant to the legislative assembly:
- does the parliament have adequate resources to collect information, and sufficient competence for the preparation of draft legislation?

- in the view of the people, how legitimate is the electoral system, and thus the distribution of mandates in the parliament?

- are committee procedures applied in a satisfactory manner?

– does parliament have adequate consultative procedures with relevant social actors?

The relative autonomy of the *courts and the judicial system* in relation to the executive and legislative authorities is of central importance.

– are the courts legally protected from political intervention and is that status respected by the government?

– do the nomination procedures influence the independence of the courts in such a way as to make it hard to maintain/apply their formal independence?

– are there sectors or actors (e.g. the military) outside the jurisdiction of the courts?

– do police and military obey court orders and respect *habeas corpus* rulings?

Over and above the government institutions for the exercise of political power, *the media, civil society, and economic actors* in trade and industry usually exercise important control and power. The media can fulfil the task of scrutinizing the way in which power is exercised and provide a channel for public views and for opinion-making – or instead promote the ruling party, the interests of their owners, or certain small elites. It is important to study its structure, reach, ownership, legislation, censorship, self-censorship, accessibility, etc. The private sector (and state enterprises) should be considered apart from the civil society, but should be included in an analysis of how political power is distributed. They may often have a decisive (and undemocratic) voice in government decisions. Besides this, in certain countries the military and police are not under full civilian control, but operate as powerful independent actors.

In many developing countries *the donors and international financial institutions* constitute additional relevant actors. In certain countries the donors contribute such a large share of the national budget that they can thereby be said to determine the framework for the exercise of power by the elected representatives. The agreements that the donors enter into with the country in question may moreover be reached with a (small) part of the administration, usually outside of any democratic process (e.g. approval in parliament). These relations need to be considered in the analysis.

An analysis of the mutual relations between all these actors should show which are dominant, i.e., where *the real power* in the society lies. Checking, balancing, controlling and representational functions are always essential parts of a democracy, offsetting power concentration. We need to be aware that development cooperation can influence and change these power structures in positive and negative ways.

The basic criteria for democracy covered above constitute universal values, and the promotion of constitutional democracy is a fundamental requirement for the promotion of social justice, the realization of human rights and the achievement of sustainable social development. Beyond these criteria, democracy has an important *cultural dimension.*

A *democratic culture* can be described as a culture of egalitarian co-existence within the society, in the form of tolerant relations, a spirit of accommodation, willingness to compromise, trust in people and institutions of society and the state, respect for majority decisions and minority values and opinions. Within the state, this culture is reflected in the difference between public and private life, consultations, national dialogue and provision of equal opportunities to all to participate

in government and civil institutions. Democratic culture often overlaps considerably with the political culture in cooperating countries, but it also implies values and behaviours that may not be widespread or entrenched. This dimension of democracy is harder to capture in terms of indicators, as it puts new demands on the collection and use of information. In order to observe the development of cultural democracy, attitude data are needed on such issues as:

– what proportion of the population values democracy over other forms of political government

– to what extent people themselves affiliate to, or tolerate the establishment of political parties by groups with a different ethnic origin, caste, region, language, religion, etc

– how much general trust there is in citizens with a different political, religious, or ethnic affiliation

– how open different organizations and networks are to letting in members with a background different to that of the dominant group

– how much confidence the population has in its elected representatives at different levels of government and in the systems of justice, policing, the military, etc

– what proportion of the population feels that that they can influence their life in a meaningful way through the political institutions

– to what extent governance is dominated by a small elite, how open this is to public opinion, and how legitimate it is in the eyes of the populace

– whether children are encouraged to give their views in their homes and schools

– whether schools reflect a democratic culture in relation to children and parents

– whether there is genuine political will to pursue consultations on controversial issues.

The consolidation of democracy builds on an interplay between its institutional and cultural dimensions. In the long run, respect for human rights and the sustainability of democracy are dependent on the development of a strong democratic culture. It is important to analyze what factors in society strengthen or oppose such development. Since the government is the guarantor of the observance of human rights, the representativity and legitimacy of the ruling government before the people is highly contingent on the extent to which the government upholds respect for these rights. A democratic government is therefore an important enabling factor for respect and observance of human rights.

1.3 People's participation
This heading refers to the process via which people may take active part in, and influence, the decisions that affect their lives. Our goal is to work for the empowerment of individuals, groups (in particular, marginalized and discriminated groups such as the poor, women, indigenous populations, minorities and children), networks and organizations in order for them to participate decision making and the implementation of decisions at all levels. *People's participation* should be analyzed in a broader perspective than just the relation between the government and civil society, since the civil society in many developing countries does not satisfactorily include or represent the country's population. Important issues in connection with popular participation are:

- what resources and which methods does the government use for consultation with the traditional society, civil society, underprivileged and marginalized groups?

- what efforts are made to try to find out the needs and preferences of those who – do not enrol in the civil society (public meetings, referendums, opinion polls, consultative procedures, etc.)?

- what is the legal status of non-governmental actors and organizations and does this correspond to the principles of democracy and human rights?

- do these people and organizations have freedom of assembly, freedom of speech and access to information in the society?

- does the government comply with the ILO conventions on participation in the workplace?

- is participation by children, women and men in society as a whole promoted and ensured, and how?

- can children voice their opinions and organize themselves to influence processes and administration that affects them, e.g. in school administration and local government?

- to what extent do women hold political posts and elected positions at various levels?

- can the civil society be said to be representative for society as a whole and to what extent are its organizations internally democratic?

- to what extent does the civil society mobilize its own funds and resources?

- how does the government relate to broad based organizations such as trade unions and churches?

- are there organizations with members from many different social groups or does the civil society tend to mobilize itself on the basis of narrower communities?

One aspect of popular participation is the situation of *decentralization* of political, administrative and financial power and resources to local government and the citizens at local level. Another aspect of decentralization is whether administrative decentralization occurs within different sectors or ministries and to what extent this is in opposition to the principle of transferring power and resources to elected local assemblies. Decentralization also brings to the fore the question of how the democratic institutions relate to traditional power structures, such as 'chiefs' and caste systems; Swedish development cooperation shall be characterized by a rights perspective in which the individual should be guaranteed her/his freedoms and rights by the government, at the same time as cultural variations and customs are taken into consideration. Look into the following issues:

- is the distribution of power, responsibility and resources between elected bodies at national, provincial and local level clearly defined in the constitution and legislation?

- are the resources (financial, personnel) of local elected assemblies adequate for the power and responsibility that devolves upon them from national level?

- is the local administration appointed by, and accountable to, the local political institutions?

- are the services which the local political institutions furnish to their constituencies efficient, egalitarian (without discrimination, for example on the basis of privileging certain political parties, castes or ethnic groups) and responsive to the needs and wishes of the citizens?

– what different forms of administrative, financial and political decentralization are there, and to what extent is there antagonism/opposition between these different forms of decentralization?

1.4 Good governance

A democracy and human rights perspective shall steer the identification of which sectors to support with *public administration assistance*, and it should also guide the choice of action within these sectors.

The *national budget* can be said to provide the material basis for democracy and, to a large extent, respect for human rights. Lack of funding can under no circumstances be accepted to justify violations of human rights. The government's priorities concerning the allocation of national resources and its openness to participation and insight is reflected in this central document and in its creation. It is important to take a closer look at:

– how the budget was drawn up

– whether it is public so that everyone can be informed of its contents

– whether the budget is discussed openly inside and outside of parliament

– how much of a say local elected representatives have in the orientation of the budget

– what proportion of national resources is allocated to the social sectors (a current rule of thumb is to expect at least 20%)

– what consequences the national debt carries for the budget and the social sectors

– whether government maintains a sound macro-economy and allocates resources to promoting pro-poor services and growth

– whether government expenditures follow the budget document in reality

– how the real expenditures are reported to parliament and the public.

The relationship of *military expenditures* to other budget items is an important indicator of good governance:

– access to correct information on the actual costs of the military

– military expenditures as a percentage of GDP or per capita

– military expenditures as a percentage of total expenditures and in relation to – important sectors such as education and health care.

The question of where *government resources* come from (in the form of taxes, customs, aid, etc) is also central:

– do the sources of income (aid donors, companies, lenders, employees, farmers, etc) influence the government's attitude and sensitivity to them?

– does everyone pay income tax, and are the taxes progressive or general and indirect?

– would you characterize the tax system as being reasonable and fair?

– how is the government's tax collection reported?

– are there local taxes to finance municipal administration?

– where does most of the government income come from?

– are government services financed by user fees; and if so how does this hit the poor?

– are there unclear sources of income that are not reported, e.g. road tolls, vehicle taxes, income

from government enterprises, etc, that can be used for various purposes alongside or outside of the national budget?

Support for the state finance administration may be necessary and successful but it can also cement and make effective injustices, uneven priorities, poor macro-politics, authoritarian behaviour and oppression, etc. In accordance with the theory of fungibility, all government resources are pooled within the overall budget, which can mean, for example, that money paid by donors for an educational project can free up other resources, which can in turn be allocated to other sectors, such as defence or health care. From this it follows that a thorough analysis of the *structure and consequences* of the taxation, budgeting and accounting system is essential.

A central question for good governance is the presence or absence of *corruption*. Research shows that corruption reduces the rate of investment, is correlated in a negative way with infant mortality and inputs to the educational sector, that it is harder for women than for men to assert themselves in processes in which corruption occurs and that corruption makes it more difficult for poor people to assert their rights. Corruption is thus a very central development problem that hampers government efficiency and with serious consequences across all social sectors. Important questions to ask are:

– is there a national strategy for dealing with corruption, and is it effective?

– are there institutions for independent scrutiny of political power with regard to corruption; in particular is there an independent audit authority?

– do these institutions themselves have the mandate to take a case to court? Who do they report to?

– is there adequate access to information to facilitate scrutiny?

A central aspect of good governance is the functioning of the *legal system* in the broader sense, not just as regards the horizontal accountability of the courts in relation to executive and legislative authorities (discussed above under 1.2). The role of the courts in relation to the individual are equally important. Key questions regarding this role can be found in section 1.3. Carefully consider the fairness and efficiency of this system.

In conclusion, there are a number of *administrative issues* that affect the government's way of managing and staffing the public sector. Examples of essential questions:

– how accessible are government services to the least well-off citizens?

– how is citizens' participation, including that of women and children, promoted in policy formulation on health and education?

– does the government keep track of and respond to the public perception of quality of the services?

– what degree of political decentralization exists?

– has decentralization *de facto* empowered or otherwise benefitted the poor?

– is there a corresponding decentralization of administrative resources, decisions on money and staff for local political bodies?

– how independent are the authorities and civil servants vis-à-vis the ministries and the governing party?

– how does recruitment to the public sector take place; is it by merit or is nepotism widely practiced?

– how much scope is there for civil servants to be critical, to express reservations, to take part in discussions about the authority's policy, to belong to trade unions?

2. Information on background variables

In addition to the questions and indicators discussed above there is a need to provide information on important background variables closely related to democracy or human rights issues.

– are there national *statistics* for living conditions, distributed by age, sex, ethnicity or religion, that permit reporting on respect for human rights, especially economic, social and cultural rights.

– what are the main *indicators* for obtaining information on the following conditions: infant mortality, standards of nutrition, unemployment, gender-based wage differences, other forms of work discrimination, the situation regarding security and access to housing and agricultural land, the political opinions in the country, etc.?

3. Conclusions

Qualitative and quantitative questions and indicators must be discussed in relation to each other for the overall evaluation to be comprehensible and balanced. Suggestions for a number of indicators, largely quantitative, that can be used to check on different aspects of democratic governance in greater detail, are therefore appended.

It cannot be expected that uniform development in all aspects of democratic governance will emerge from the material and the analysis. On the contrary, it is probable that the analysis will result in a picture of uneven progress from one sector to another. It is important that the country analysis identifies those enclaves or sectors in which progress is apparent, and

also those in which stagnation or regression to more authoritarian forms of political development can be seen. If the analysis leads to such a result, there are good foundations to go ahead and formulate a country strategy in which Sweden, in cooperation with its partner country, can make significant efforts to promote democratic governance and respect for human rights.

The experience from testing these Guidelines in a Country Analysis of Zimbabwe led to setting up a new structure for the analysis, which is captured by the (shortened and revised) contents list below:

1. Fact Sheet on the Country

2. Political and economic development

   – Developments in the region: Trade and politics, peace and security

   – Developments in the country: Politics, economics, peace and security

   – Power and responsibility: Leadership, governance, democratic culture, and public actors; the politics of poverty (executive, legislature, judiciary, political parties, electoral system, the constitution, the military, the public administration, local government, civil society, citizens' participation, the media)

   – Power and responsibility: Economic structure, power and ownership; the economics of poverty

   – Macroeconomic developments; economic growth, redistribution and reform

   – Corruption

   – Environment, development and poverty

   – Aid, aid agencies and their role

3. Human rights, democracy and poverty

    –   Poverty and the rights of the poor

    –   Government poverty analysis, strategy and
        programme; quality, participation

    –   Political and civil rights; participation and
        exclusion

    –   Rights of women and children

    –   Specially vulnerable groups

    –   HIV/AIDS

    –   Rights to land and water

    –   Economic, social and cultural rights; the social
        services

4. Partnership

5. Donor coordination

6. Conclusions: Priority issues and areas for dialogue
    and cooperation

Appendix 7 – Panel Discussion on the Rights Based Approach in Development Cooperation

2000-10-19, *Mikael Boström, Sida*

The panel: André Frankovits, Human Rights Council of Australia; Spring Gombe, Rights and Humanity; Ingrid Wetterqvist, Ministry for Foreign Affairs; Clare Ferguson, DFID; Patrick van Weerelt, UNDP; Dorothy Rozga, UNICEF; Eva Geidenmark, Rädda Barnen

The moderator, André Frankovits, started by summarising the four-day workshop, outlining the positive discussions that had taken place in the search for ways of implementing a human rights approach to development cooperation. He pointed out that the complexity of the issues raised required continuing discussion in order to come up with clear-cut solutions on the problem of translating the rights based approach into practice. The panellists were then asked to present the lessons they had learnt during the four days. The panellist agreed that it had become clear during the conference that most donors were struggling with the problem and that in order to solve it, there is a need to demystify the concept of the 'rights based approach'. They spoke about the several ways that their own organizations were dealing with the issue and agreed that while further work was needed, the rights based approach was here to stay.

The first issue discussed was the issue of accountability. The panellists asserted the value of the human rights approach in bringing home the responsibility of governments to the realization of human rights in being accountable to their citizens, the subjects of development. The human rights approach also addresses the important question of donor accountability to the people being supported.

The audience then raised the question of the role of donors in countries ruled by authoritarian regimes and whether aid should be suspended to these countries. In response, the panellists emphasised that a rights based approach gives us a responsibility to protect human rights, not least in authoritarian countries, and that suspension of aid has not been demonstrated as an effective tool except in very rare cases. Presence is most often better than absence if you want to influence a political process.

Another question from the audience was on the conflict between the rights based approach and dominant economic theory. Several panellists pointed to the fact that the private sector is beginning to realise that there is a discussion going on regarding this conflict. Important actors such as the World Bank had taken some small steps in addressing social issues yet stopped short of integrating a human rights perspectives into their work. The panel agreed that much remained to be done in order to bring the two approaches together and that donor governments needed to play an important role in this process. Related to this issue was the question of how to meet the resistance to this approach within our donor agencies. The response from the panel was that we cannot coerce and, instead, need to show the value added.

A person in the audience with a long history in development cooperation spoke of the way that he was at first sceptical of the 'new' approach which seemed to him to be yet another in a long list of such new approaches. However, he was now convinced that the human rights approach brought something new to the provision of aid and that it was becoming an essential tool to ensure the sustainability of development assistance.

A couple of questions on what difference a rights based approach makes were raised. The panel argued that this approach addresses new issues and broadens concepts such as the concepts of participation and

government accountability. It also adds the issue of quality to development co-operation and provides a tool for a better analysis of poverty. Moreover, the approach makes us focus our efforts on the community level and the most excluded and marginalized people and, thus, addresses the issue of poverty more directly.

The moderator asked the panel how we could strengthen the transparency of our own deliberations and of the dialogue with our partners and recipients. He questioned how we can promote the accountability of the recipient governments to their own societies. UNDP suggested that one way to increase transparency is to make joint country assessments and analyses with the recipients and that this can be done without problems. The moderator commented that while country analysis should indeed be shared, a country strategy is the donor country's document, and that it might be viewed as too politically sensitive to be shared with the recipient government. Sida stressed that it is fundamental for an effective rights based approach that the World Bank and the IMF become more transparent institutions. Another suggestion from the audience was that donor assistance should be reflected in the recipient government's state budgets.

The moderator invited a round of final words from the panellists. Again it was pointed out that all donors are struggling with the same problem of operationalizing the rights based approach, but that it is now time to go home and try out the practical methods available and to ensure that experiences and insight are shared with donor colleagues. The moderator closed the event by characterising the rights based approach as an exercise in practical solidarity and thanked the audience and the panellists for their contributions.

Appendix 8 – Materials Available at the Workshop

The Swedish Ministry for Foreign Affairs
Africa on the Move – Revitalizing Swedish Policy towards Africa for the 21st Century, 1997/98
Democracy and Human Rights in Sweden´s Development Cooperation, 1997/98
Human Rights in Swedish Foreign Policy, 1997/98

Our Future with Asia – A Swedish Asia Strategy for 2000 and beyond, 1998/99
Preventing Violent Conflict – A Swedish Action Plan, 1999
Sweden´s policy for poverty reduction, 2000

Sida
Country analysis of Zimbabwe, 2000
The Rights of the Child in Swedish Development Cooperation, 2000

The Human Rights Council of Australia
The Rights Way to Development, Manual for A Human Rights Approach to Development Assistance, 1998 *by André Frankovits and Patrick Earle*
The NGO Action Pack

UN-material
Background paper for HDR 2000; "Learning from Those Who Act" by Nadia Hijab, 2000
Extract from the UN Manual on Human Rights Reporting, 1997
General Comment 3 from the ICESCR Committee on the nature of States parties obligations, 1990
General Comment 13 from the ICESCR Committee on the right to education, 1999
The UN System and Human Rights, Guidelines and Information for the Resident Coordinator System (ACC), 2000

"Nepal UNDAF project":
1. ToR for the Nepal "Towards UNDAF" position paper

2. "Towards UNDAF", Draft Nepal UNDAF position paper, 2000

3. Lessons learnt from a Rights-Based UNDAF process and content in Nepal

4. UNDAF: Executive Summary

UNICEF; Human Rights for Children and Women. How UNICEF helps make them a reality, 1999

A Human Rights Approach to UNICEF Programming for Children and Women, What it is, and some changes it will bring, 1998

United Nations High Commissioner for Human Rights; Development and Rights: The Undeniable Nexus, 2000

The Swedish NGO Foundation for Human Rights
Annual Report, 1997–98

Papers by participants;

NGO-part of the seminar:
Human Rights and Humanitarian Emergencies, *Juan Almendares (CPTRT),* 2000

INFID Experience Human Rights Advocacy and Bilateral Donors, *Sugeng Bahagijo (INFID),* 2000

Building a Culture of Rights (in NACLA Report on the Americas, July/August 2000), *Eduardo Cáceres (APRODEH – PERU)*

The importance of the Economic, Social and Cultural Rights (ESCR) for the social legitimation of the HR discourse, *Eduardo Cáceres (APRODEH – PERU)*

The integrity and interdependence of human rights, *Eduardo Cáceres (APRODEH – PERU)*

The Rights of the Child in Development Work, *Eva Geidenmark (Swedish Save the Children),* 2000

Promoting a Human Rights Approach in Development Cooperation, *Human Rights Council of Australia – Patrick Earle,* 2000

A Challenge to Donors: Accountability, Empowerment and Structural Change Through Human Rights – The Case of El Niño in Ecuador, *Chris Jochnick (Centro de Derechos Económicos y Sociales),* 2000

Progress Report on Integration of a Rights Approach in CARE´s Programming, *Andrew Jones (CARE),* 2000

Rights-Based Relief & Development Assistance: An Essay on What It Means for CARE, *Andrew Jones*

From Policy to Action: Lessons Learnt from 14 years Experience Promoting the Implementation of a Human Rights Approach to Development, *Rights and Humanity,* 2000

The Establishment of a Global Forum for Information Exchange, Identification of Good Practice and Policy Development concerning A Human Rights Approach to Development, *Rights and Humanity,* 2000

Economic, Social and Cultural Rights and Development Cooperation, *Michael Windfuhr (FIAN),* 2000

Donor-part of the seminar:

Mainstreaming Human Rights in the United Nations Development Assistance Framework: The Case of Nepal, *Richard Bridle (UNICEF),* 2000

Operationalizing the Human Rights Approach to Development in UNICEF Nepal, *Richard Bridle (UNICEF) & Charulata Prasada (consultant with UNICEF Nepal April – October 2000)*

Promoting a Human Rights Approach in Development Cooperation (17-page-document), *André Frankovits (Human Rights Council of Australia),* 2000

Promoting a Human Rights Approach in Development Cooperation, State of the Art (4-page-document), *André Frankovits (Human Rights Council of Australia),* 2000

Summary Report: Preparing the Swedish Country Strategy for Zimbabwe from a Democracy and HR perspective, *Anton Johnston (Sida),* 2000

Promoting a Human Rights Approach in Development Cooperation. Case: HURIST in Yemen, 2000 (incl. Background material on HURIST and UNDP´s Human Rights Policy), *Thord Palmlund (UNDP)*

Mainstreaming human rights in SDC country programmes, Case study: Pakistan, *Swiss Agency for Development and Cooperation,* 2000

A Rights-Based Approach to Development, The ILO Experience, *Lee Swepston (ILO),* 2000

Promoting a Human Rights Approach in Development Cooperation. Case: Capacity Building for Local Governance, South Africa, *Patrick van Weerelt (UNDP),* 2000

The Application of a Human Rights-Based
Approach to Development Programming, What is the
Added Value?, *Patrick van Weerelt (UNDP),* 2000

APPENDIX 9 – List of Participants

Ahlberg, Sophia
sophia.ahlberg@
foreign.ministry.se
Ministry for Foreign Affairs
International Law and Human Rights Dept.
103 39 Stockholm
SWEDEN

Arakelian, Armineh
a.arakelian@idea.int
International IDEA
Strömsborg
103 34 Stockholm
SWEDEN

Atack, Iain
iainatack@eircom.net
(Ireland Aid), Irish School of Ecumenics
Milltown Park
Dublin 6
IRELAND

Bjuremalm, Helena
helena.bjuremalm@sida.se
Sida
Division for Democratic Governance
105 25 Stockholm
SWEDEN

Bonis, Désirée
desiree.bonis@minbuza.nl
Netherlands Ministry of Foreign Affairs
Human Rights Division
P.O Box 20061, 2500 EB, The Hague
NETHERLANDS

Boström, Mikael
mikael.bostrom@sida.se
Sida
Division for Democractic Governance
105 25 Stockholm
SWEDEN

Bridle, Richard
rbridle@unicef.org
UNICEF
U.N. House, Pulchowk,
P.O Box 1187
Kathmandu
NEPAL

Conde Zabala, María J.
mconde@unicef.org
UNICEF
Office for Latin America & the Caribbean
Transversal 38, no 100-25, Piso 3
P.O Box 89829
Bogotá, D.C.
COLOMBIA

Cox, Larry
l.cox@fordfound.org
Ford Foundation
320 East 43rd St.
New York, NY 10017
U.S.A

Earle, Patrick
pearles@ozemail.com.au
Human Rights Council of Australia Inc.
P.O Box L 23
S.Maroubra, N.S.W
AUSTRALIA 2035

Ferguson, Clare
clare-ferguson@dfid.gov.uk
DFID
94 Victoria Street
London SW 12
ENGLAND

Frankovits, André
andref@mpx.com.au
Human Rights Council of Australia Inc.
P.O. Box 841
Marrickville, N.S.W
AUSTRALIA 2204

Fredriksson, Lisa
lisa.fredriksson@sida.se
Sida
Division for Democratic Governance
105 25 Stockholm
SWEDEN

Gombe, Spring
randh3@pop3.poptel.org.uk
Rights & Humanity
2 St. Peters Street
Ipswich, Suffolk IP1 1XB
UK

Hedlund-Thulin, Kristina
kristina.hedlund-thulin@
foreign.ministry.se
Ministry for Foreign Affairs
Dept. for International Development Coop.
103 39 Stockholm
SWEDEN

Hellmers, Peter
phellmers.hchr@unog.ch
Office of the High Commissioner for HR
Palais Wilson
Geneva
SWITZERLAND

Hulmann, Véronique
veronique.hulmann@
deza.admin.ch
Swiss Agency for Development Coop.(SDC)
Ministry of Foreign Affairs
Freiburgstrasse 130
3003 Berne
SWITZERLAND

Johansson, Agneta
agneta.r.johansson@
foreign.ministry.se

Ministry of Foreign Affairs
103 39 Stockholm
SWEDEN

Johnston, Anton
anton.johnston@sida.se

Sida
Division for Democratic Governance
105 25 Stockholm
SWEDEN

Järvinen, Taina
taina.jarvinen@formin.fi

Ministry for Foreign Affairs
P.O Box 176
Katajanokanlaituri 4 A
00161 Helsinki
FINLAND

Klum, Anita
anita.klum@swehr.a.se

Swedish NGO Foundation for Human Rights
Drottninggatan 101
113 60 Stockholm
SWEDEN

Lund Madsen, Hanne
h.lund.madsen@
vip.cybercity.dk

Guldborgvej 17
4000 Roskilde
DENMARK

Norberg, Carin
carin.norberg@sida.se

Sida
Department for Democracy &
Social Development
105 25 Stockholm
SWEDEN

Nordin Jayawardena, Annika
annika.nordin.
jayawardena@sida.se

Sida
Division for Democratic Governance
105 25 Stockholm
SWEDEN

Palmlund, Thord
thord.palmlund@undp.org

UNDP
Management Development &
Governance Division
Bureau for Development Policy
304 East 45th St
New York, NY 10017
U.S.A

Rozga, Dorothy
drozga@unicef.org

UNICEF
Programme Division
3 UN Plaza
New York, NY 10017
U.S.A

Suomalainen, Sari
sari.suomalainen
@cec.eu.int

European Commission/ER, B
200 Rue de la Loi
1049 Brussels
BELGIUM

Swepston, Lee
swepston@ilo.org

ILO
1211 Geneva 22
SWITZERLAND

van Weerelt, Patrick
patrick.van.weerelt
@undp.org

UNDP
Palais des Nations
1211 Geneva 10
SWITZERLAND

Wetterqvist, Ingrid
ingrid.wetterqvist@
foreign.ministry.se

Ministry for Foreign Affairs
Dept. for International Development Coop.
103 39 Stockholm
SWEDEN

Appendix 10 – Abbreviations

CA	Country Analysis
CAT	Convention Against Torture
CCA	Common Country Assessment
CDF	Comprehensive Development Framework
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CFSP	Common Foreign and Security Policy
COHRE	Center for Housing Rights and Evictions
CRC	Convention on the Rights of the Child
CS	Country Strategy
CT	Country Team
DAC	Development Assistance Committee (of the OECD)
DFID	Department for International Development
DHR	Democracy and Human Rights
DPCP	Decentralized Planning for the Child Programme
FIAN	Foodfirst Information and Action Network
GDP	Gross Domestic Product
HMG/N	His Majesty's Government, Nepal
HRCA	Human Rights Council of Australia
HURIST	Human Rights Strengthening Project
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDEA	Institute for Democracy and Electoral Assistance
IMF	International Monetary Fund
INFID	International Forum on Indonesian Development
INGDO	International Non-government Development Organization
INGO	International Non-government Organization
LGTP	Local Government Transformation Programme
MFA	Ministry of Foreign Affairs
NGO	Non-government Organization
OECD	Organization for Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
PRSP	Poverty Reduction Strategy Paper
RA	Results Analysis
RC	Resident Coordinator
SDC	Swiss Agency for Development Cooperation
SNCHR	Supreme National Council on Human Rights
UNCT	United Nations Country Team
UNDAF	United Nations Development Assistance Framework
UNDG	United Nations Development Group
UNDP	United Nations Development Programme
UNFPA	United Nations Populations Fund
UNICEF	United Nations Children's Fund
WFP	World Food Programme
WHO	World Health Organizations