

A Human Rights-Based Approach to Development – from Policy to Practice

A Comparative Study between ActionAid and Sida



LUND
UNIVERSITY

Lina Tolander

Abstract

A human-rights based approach (HRBA) to development is increasingly promoted by researchers and adopted by development actors. The approach integrates the fields of development and human rights by transforming development goals into obligations, but is criticized for being more rhetorical than brought to actual change on the ground. This study compares an international non-governmental organization's (INGO) and a state agency's use of the HRBA, by investigating the cases of ActionAid and Sida. Findings from interviews and documents show that both have put the HRBA into practice but strive to fully integrate it. The main difference in implementations are their relations with governments and the poor. ActionAid as an INGO work more with participation of the poor and assist them to claim their rights, whereas Sida as a state agency work in partnerships with governments and support them to meet their obligations. Both actors face problems with accountability, due to lack of legal mechanisms, inability of states to meet obligations or the need to maintain diplomatic relations. The thesis concludes by suggesting that human rights and development researchers and practitioners need to clarify roles of responsibilities and develop guidelines for accountability for a successful implementation of the HRBA.

Key words: human-rights based approach, human rights, development, accountability, Sida, ActionAid

Words: 9909

List of Abbreviations

AAI	ActionAid International
HRBA	Human Rights-Based Approach
INGO	International Non-Governmental Organization
MDG	Millennium Development Goal
NGO	Non-Governmental Organization
OHCHR	Office for High Commission on Human Rights
Sida	Swedish International Development Cooperation Agency
TSR	Taking Stock Review
UDHR	Universal Declaration on Human Rights
UD	Utrikesdepartementet / Swedish Ministry of Foreign Affairs
UN	United Nations

Table of contents

<u>1 Introduction.....</u>	<u>1</u>
<u>1.1 Research Problem and Aim.....</u>	<u>2</u>
<u>1.2 Outline of the Study.....</u>	<u>3</u>
<u>2 Methodology.....</u>	<u>4</u>
<u>2.1 Comparative Design.....</u>	<u>4</u>
<u>2.2 Literature.....</u>	<u>5</u>
<u>2.3 Empirical Material.....</u>	<u>5</u>
<u>2.4 Limitations.....</u>	<u>8</u>
<u>3 Literature Review.....</u>	<u>10</u>
<u>3.1 The HRBA and its strengths.....</u>	<u>11</u>
<u>3.2 Roles of NGOs and state agencies.....</u>	<u>14</u>
<u>3.3 Weaknesses of the HRBA.....</u>	<u>15</u>
<u>4 Analytical Framework.....</u>	<u>18</u>
<u>4.1 Definition.....</u>	<u>18</u>
<u>4.2 Accountability in a HRBA.....</u>	<u>18</u>
<u>4.3 Possibilities of implementing a HRBA.....</u>	<u>20</u>
<u>4.4 Analytical Focus</u>	<u>21</u>
<u>5 Analysis: A comparison of NGO and state implementation of the HRBA...22</u>	
<u>5.1 Understanding of the HRBA.....</u>	<u>22</u>
<u>5.2 Implementation and challenges.....</u>	<u>23</u>
<u>5.3 The issue of accountability.....</u>	<u>26</u>
<u>5.4 Main findings.....</u>	<u>27</u>
<u>6 Conclusions.....</u>	<u>29</u>
<u>7 References.....</u>	<u>31</u>
<u>Appendix 1.....</u>	<u>35</u>
<u>Interview Guide.....</u>	<u>35</u>

1 Introduction

The human rights-based approach (HRBA) to development emerged in the 1990s as a result of experience and lessons learnt from previous development paradigms and strategies. Earlier approaches to development were no longer considered to be long-term sustainable and believed to maintain unequal power-relations between North and South (Darrow and Thomas 2005: 472; Kindornay et al 2012: 473, 477). Around the same time, additional actors than traditional multi- or bilateral institutions gained importance in international development. International non-governmental organizations (INGOs) entered the global political arena and promoted the inclusion of human rights in the development agenda (Baehr 2009; Brül in Steffek and Hahn 2010: 181, 185; Potter et al 2008: 276, 323).

The HRBA aims to overcome the deficits of other approaches, by addressing structures that may cause underdevelopment, such as inequality in power. Darrow and Thomas explain that: “[a] rights-based approach treats development issues as matters of obligation and right, rather than discretion or charity. It focuses on raising levels of accountability in the development process by identifying claim-holders (and their entitlements) and corresponding duty-bearers (and their obligations)” (2005: 511). Accountability, together with participation, transparency and non-discrimination are by researchers generally agreed on core principles that characterizes the approach. By applying those principles to development, the HRBA is believed to result in a more equal development cooperation and sustainable results (Darrow and Thomas 2005; Gready 2008; Jonsson 2004; Uvin 2007). The rights referred to are the ones stated in the United Nations' Universal Declaration on Human Rights (UDHR), and the HRBA integrates with the international human rights framework, by perceiving development as the realization of those rights (Crawford 2010: 93).

Thus, the HRBA merges the fields of development and human rights, by making use of human rights tools in development (Redondo 2009, Rezaeenezhad and Kordnaeij 2012, Uvin 2007). Close to the new millennium, there was an overarching recognition and acceptance among development practitioners, to include human rights in their work. The trend of adopting a HRBA started among global development actors such as the UN, bilateral state

agencies and INGOs (Banik 2010: 34; Jonsson 2004; Redondo 2009; Uvin 2007: 597). The different actors are argued to have separate roles and tasks in development, whereas goals are often the same and they are believed to complete each other in the strive towards those (Baehr 2009; Alston 2005). For example, state actors normally have the mandate and obligations to negotiate, promote and fulfill development objectives, whereas INGOs can operate closer to and easier include targeted groups (Potter et al 2008: 314, 316). The differences between the development actors can be assumed to affect their use of HRBA and show variations in implementation. However, most scholars criticize the HRBA for being mainly rhetorical. It is argued to be well developed in theory, but not translated into practice to the same extent (Darrow and Thomas 2005; Banik 2010; Kindornay et al 2012; Redondo 2009).

1.1 Research Problem and Aim

Since NGOs and state agencies have different roles, strengths and weaknesses in promoting development, this study derives from the assumption that those differences are present also when implementing a HRBA. Earlier research have showed that development actors in general are failing with putting the HRBA into practice, but any distinctions between the actors have not been made. The aim of this thesis is to find out how a HRBA is used by a state-actor and an INGO, and if there are differences in their implementation of the approach. It will do so by investigating and comparing the cases of ActionAid and Sida, to see how they translate a HRBA into practice. The thesis seeks to answer the following questions:

How do ActionAid and Sida differ in their implementation of a HRBA to development? What are the strengths and weaknesses of the respective actor's use of the HRBA?

The INGO ActionAid and the Swedish International Development Cooperation Agency (Sida) were some of the first international development actors that took on a HRBA, and started working with the approach at about the same time, 1998 respective 2001 (Darrow and Thomas 2005: 480; Kindornay et al 2012: 480-481). Thus, these two organizations have had time to develop strategies, try them out in practice and evaluate their work and results. As many argue that a HRBA often fails to reach implementation, it is motivated to investigate how successfully the organizations have employed the approach. The analytical framework

will identify what is meant by implementation and which components to look for in the two cases.

1.2 Outline of the Study

First, methods and choice of cases are described. The material is presented, and how it has been collected and analyzed is explained. Limitations of the study are described and expectations of what conclusions that can be drawn. Second, I outline the academic material that is used in a literature review. It discusses prospects and constraints of a HRBA that are brought up in the academic debate, as well as strengths and weaknesses of the different development actors. The literature review forms an analytical framework that combines the discussions, and through which the empirical material is analyzed. Third, a critical analysis is applied to documents and interviews, where findings are related to the existing academic debate and earlier studies on the topic. Further, findings are compared to each other to sort out differences and similarities, and to see what strengths and weaknesses the respective actors have in the use of a HRBA. Finally, main findings are summed up in the conclusions, where also the research questions are answered.

2 Methodology

This thesis undertakes a qualitative research design, and takes the form of a comparative study between ActionAid and Sida. The process involves collection, review and analysis of contemporary research and earlier case studies on the topic, as well as documentary data and interviews to gather information on the cases chosen in this study (Gillham 2010: 21; Marshall and Rossman 2006: 164). The study involves empirical analysis, and aims to describe and explain differences between the two actors use' of the approach (Esaiasson et al 2007: 35). It describes by defining differences, and those can possibly be explained by their characteristics as development actors. Empirical findings are also tested to the theories to see how they match existing research. A weakness of the HRBA, defined by scholars, is that it is often mentioned and promoted at policy level, where less often implemented (eg Banik 2010; Uvin 2004). If this study shows that these actors have met strategies and theories, they are examples that prove the critique wrong. However, if these actors have failed with translating policy into practice, earlier scholars' research are still relevant and future research needs to further focus on *why* practical implementation of a HRBA is failing. Consequently, conclusions will either strengthen or weaken the theories, or purpose certain modifications in existing theoretical assumptions (Esaiasson et al 2007: 41-42). Thus, the study have theories to test, but emphasis is on the cases and comparison. This implies a theory consuming investigation primarily, as these cases are central focus, and not to which extent results can be generalized to other cases (Esaiasson 2007: 99- 100).

2.1 Comparative Design

ActionAid and Sida are often referred to in academic literature as some of the first development actors that adopted a HRBA (eg Banik 2010; Crawford 2010), and they will here illustrate examples of development actors that use the approach (Esaiasson et al 2007: 38).

The two cases are compared because of their homogeneity that serves to describe and analyze the use of a HRBA and their heterogeneity, one being a governmental state agency and one being an INGO, that possibly will explain differences in implementation (Esaiasson et al 2007: 102). They are homogenous as they are relatively big players in development, with a common vision to eradicate extreme poverty. They are both using a HRBA and adopted the approach around the same time. They operate in several different countries over the world, often through partnerships (AAI 2004; Regeringskansliet 2010).

The entry point is that the actors are different, and both try to implement the same approach to development. My internship at ActionAid inspired the choice of research problem and accessibility to interviewees played a deliberative role in choosing organizations for the study. How the actors make use of the HRBA principles guides the investigations, and I further examine whether the actors' different roles can explain an assumed variation in the implementation of a HRBA (Esaiasson et al 2007: 155).

2.2 Literature

The literature review systematizes and structures the contemporary academic debate logically, which serves as a ground for an analytical framework through which the data will be analyzed (Esaiasson 2007: 238). Material is chosen from an intersection of human rights and development, as the HRBA merges the two fields. No explicit juridical literature is used, as this thesis still focus on development cooperation. The literature review elaborates on the arguments of the authors that are brought up in the introduction. Additional articles are used for examples of other cases where a HRBA have been used. Peer-reviewed articles and influential contemporary works are used to ensure literature of quality and relevance.

2.3 Empirical Material

The empirical material are documents from Sida and ActionAid, combined with interviews with employees for a more in-depth understanding of the practical implementation of the approach. Using different types of material is a strength as it can reveal richer information.

For example, interviews have highlighted issues that documents have not shown. Documentary data and interviews are evaluated in light of the existing academic debate and the research questions guide to keep the analysis focused (Gillham 2010: 94, 96). Empirical findings from ActionAid and Sida are compared to each other and related to examples regarding similar issues. Hence, to measure the use of the HRBA principles, findings are weighed to and compared with the other actor as a reference point (Esaiasson 2007: 169).

2.3.1 Source criticism

Source criticism is necessary to ensure material of quality and an objective analysis. For authenticity and credibility of documents, the purpose of the document, the author and the publisher are checked (Bryman 2008: 81-82, 527). The risk of biases due to personal experience and relations is present, however relations to employees at both organizations may help even those out. I am aware of that during the internship at ActionAid, observations were made subconsciously and consciously that may influence my perception (Bryman 2008: 402, 413). To handle issues of subjectivity and biases, the study aims to critically review all material, apply rereading and hold a transparent documentation and explanation of its analysis (Bryman 2008: 391-392). Evidence derive from explicit knowledge where findings and results are explained, and the influence of tacit or “intuitive knowledge” aims to be minimized for an as factual and evidence-based analysis as possible (Gillham 2010: 31-32).

2.3.2 Documents

Documentary sources have in previous research been used to investigate how NGOs use a HRBA and treat the the issue of accountability (O'Dywer and Unerman 2010). Therefor, it is relevant to use documents for information in this study, also from Sida as a state-actor. The strength of documentary data is that they are produced in natural settings to guide employees and report their work, and not with the aim for research, which enhances their validity (Bryman 2008:515). On the other hand, as most documents used are publicly available as a

means to perform good governance and transparency, there is a risk for that they exclude negative aspects. Documents used are strategies, policies, resource books, evaluations and reports from ActionAid and Sida, and they are treated as primary sources. The material was collected from the organizations' websites and offices in Stockholm.

ActionAid is currently on its second strategy that involves a HRBA, but have, according to Archer (2011), practiced the approach since 1998, which later was taken up in strategies. Thus, ActionAid International's first strategy for a HRBA, 2005-2010 "Rights to End Poverty" and its review "Taking Stock 3" (2010) are used. ActionAid's annual report 2011 is also used as it evaluates the final year of this strategy. Resource books and the current strategy "Peoples Action in Practice" for 2012-2017 are used for additional information. When writing ActionAid, I refer to ActionAid International as an INGO, which gathers all countries with ActionAid offices, and they use the same strategies.

Sida got their first strategy including a HRBA in 2001. Since 2003, it is decided by the Swedish government that a rights perspective should influence all Sida's work and that a HRBA should be applied. I focus on their latest policy for democratic development and human rights 2010-2014 "Change for Freedom", which elaborates on the HRBA. Sida's report "Resultat för Rättvisa och Utveckling" (Results for Justice and Development) (2012) is used, as it is their first evaluation of the HRBA, with results from the first year of "Change for Freedom". An internal document from Sida, called "HRBA- Lessons Learnt " (2012), is also used.

2.3.3 Interviews

Interviews are semi-structured as they allow for both standardized and in-depth questions where respondents can elaborate on answers, and this type of interviews have been used in previous investigations on the use of a HRBA (O'Dywer and Unerman 2010). An outline of questions, regarding e.g. implementation of and challenges with the HRBA, is used to guide the interviews (Bryman 2008:438; Appendix 1). Sampling is purposive, as the interest is in the specific for these cases. The sample is biased to a group with similar characteristics; employees at development organizations working with a HRBA. The population consists of ActionAid and Sida's employees and findings are expected to be relevant for the cases, as interviews are intended to extract information and get a deeper understanding, and not to

compare answers within organizations (Bryman 2008: 183, 376, 458- 459; Esaiasson et al 2007: 178). ActionAid Sweden's employees are representatives for the whole organization ActionAid.

Test-interviews were made to practice technique and relevance of questions, however questions could be adapted once in the surroundings (Bryman 2008: 443). For informed consent, interviewees got an introduction to the research, asked for permission to be tape-recorded, ensured that all material is confidential and that their anonymity will be kept (Bryman 2008:123). Interviews were held in Swedish or English and then transcribed to English. The interviews varied in length depending on elaboration on answers and questions, but lasted on average 40 minutes each. With Swedish as mother-tongue and fluency in English, translation and transcription went well (Bryman 2008:453). The risk of different interpretation of questions and answers is however always present.

Eight interviews with ActionAid Sweden employees were conducted during my internship at the organization. The first interview at Sida was organized through contacts and the following three through the “snow-ball effect”, where I got in contact with people who are deeply involved with the HRBA. Two of those do not work at Sida as of today but responded as representatives of the agency. For a just comparison, only four randomly picked ActionAid interviews are used.

2.4 Limitations

The study aims to hold internal validity and draw conclusions to the cases and comparison of ActionAid and Sida. Looking at additional cases would be interesting, but not manageable in terms of time and resources (Esaiasson et al 2007: 113). The study strives for in-depth understanding of this comparison and have no ambition of external validity, but may serve as an input for future research on similar issues (Esaiasson et al 2007: 177). As ActionAid and Sida are typical cases of development actors that use a HRBA, it can be questioned whether this comparison mirrors the broader picture in international development. Flyvbjerg (2006) argues, there is a common misunderstanding that case study research cannot be generalizable to other cases, and believes that it is an important method where results have the potential to be applied to other cases. Hence, this study speaks for itself, but findings may be of relevance

for other studies regarding the same issues, where the same methods can be used and similar questions can be asked (Bryman 2008: 31-32, 55; Esaiasson et al 2007: 100, 187).

3 Literature Review

The literature review elaborates on themes brought up in the introduction, and discuss what contemporary research focus on. Focus lies within strengths and weaknesses of the HRBA, as well as (I)NGOs' and state agencies' respective roles in development and human rights. The discussions result in an analytical framework that will guide the analysis of the empirical material.

To clarify the concept, it is generally agreed that a HRBA is a working method that aims to apply the principles of participation, accountability, transparency and non-discrimination in all processes for development efforts (Banik 2010; Darrow and Thomas 2005; Kindornay et al 2012; Jonsson 2004; Uvin 2007). Many scholars use the term “rights-based approach”, and some argue that different wording implicates differences in the approaches, as a rights-based approach can (be assumed to) include any rights, such as local property rights, or anything considered to be just. A HRBA on the other hand, refers to human rights that are stated in conventions ratified by most nations, which allows an international agreement and understanding of which rights that are considered as well as responsibilities that follow. However, the definitions are used interchangeably, often in the same text (Banik 2010: 37; Piron 2005). The rights that a rights-based approach refer to most often are the same as a HRBA, namely the human rights, and main characteristics which define the approaches are the same principles as mentioned above (Rezaeenezhad and Kordnaeij 2012: 49). Thus, this thesis does not differ a “rights-based approach” from a “human-rights-based approach” and uses the abbreviation HRBA, except when quoting. “Development” refers to social, economic and political progress in a society, however there are definitions that concern more areas and there is no consensus on what is indicated by progress. This thesis do not specify a definition, due to the broad variation of it, but also as its focus stays with the working method HRBA and not which development objectives that are reached.

3.1 The HRBA and its strengths

A HRBA is considered an alternative to traditional development approaches, such as service-delivering and basic needs, by informing about and advocating for human rights, rather than implementing services, to reach development objectives (Kindornay et al 2012: 493). There are several advantages with a HRBA, that are brought up by researchers. According to Uvin, the HRBA encourages redefinition of development problems into “claims, duties and mechanisms that can promote respect and adjudicate violation of rights”. This implies an increased focus on accountability, which is what “distinguish charity from claims” (2007: 602). Banik agrees that creating claims and duties, makes development a responsibility and obligation rather than an act of solidarity and charity (2010: 37). Gready also states that a HRBA makes development an entitlement rather than an act of charity (2008: 737), and Jonsson explains that the approach distances from charity or solidarity, by transforming development goals into obligations (2004: 16).

That the HRBA addresses structural causes behind poverty and try to solve those rather than ease the symptoms, is often stated as the main difference from other development approaches. Damman writes that “[...] HRBA seeks to analyze inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress” (2007: 518). Gready shares a similar view, that structural courses behind poverty, are often inequalities, exclusion and unequal power-relations. Thus, a HRBA should focus on the poor, powerless and marginalized (2008: 742-743). In line with others, Banik argues that “[i]ts main focus areas include analysing inequalities, discriminatory practices and imbalance in power relations that often are the main obstacles to development” (2010: 36). Darrow and Thomas are of the same opinion and states that a HRBA looks at political and social power structures behind inequality and underdevelopment, and is a more preventive than reactive strategy (2005: 487). Jonsson also stresses its focus on legal and institutional reforms, which creates possibilities of changing structures and attacking root causes to the problems (2004: 16).

3.1.1 Integration of Human Rights in Development

Seeing development as a human right, which was stated already in the Declaration on the Right to Development 1986, lays ground for the HRBA, which “integrates the norms, standards and principles of the international human rights system into the plans, policies and processes of development” (Rezaeenezhad and Kordnaeij 2012: 47). Human rights standards are directed to outcomes, whereas the principles relate to processes and many of them are adopted by a HRBA. Thus, values and policies are already set and stated in the rights and cannot be negotiable to the same extent as development goals. Darrow and Thomas confirms that HRBA does not have problems of what is considered as “good” development, as means and goal are that human rights are fulfilled, which enables for objectivity and equality when using the approach. Moreover, with a HRBA there is a legal framework to back up and justify development work and involvement in a society (2005: 485-487). With the legal force of human rights comes accountability, which development often lacks. Thus, by combining the discourses human rights and development with a HRBA to development, a human rights agenda can help reaching development goals (Redondo 2009: 36 -37).

The rights referred to are the ones stated in the UDHR. They include basic rights which addresses our basic needs, but are extended to economic, social, cultural, civil and political rights (Baehr 2009: 88; Ishay 2007: 391). Most nations have signed the declaration and one can assume an acceptance of the rights from those states. However, many argue that human rights beyond the basic rights are western liberal values and although most states have ratified them, western-based INGOs were drivers for the universalization of those values into human rights. Moreover, there may have been both political and economic pressure for signing the conventions (Ishay 2007: 389; Welch 2001: 151-152). Thus, a HRBA that strives for equal power-relations within development, could actually be seen as a form of post-colonialism. Welch argues that “[I]NGOs seek to enforce the application of human rights norms internationally, particularly toward repressive states in the South, in areas formerly colonized by the West” (2001: 151). However, as Baehr states, the rights can be justified as universal, not only for the UDHR that many have signed, but because the rights represent values that are relevant for and have roots in most cultures, and exists for the protection of all humanity. Instead he thinks, the problem is that those rights are mainly advocated for by Westerners (2009: 35-36, 46, 120).

3.1.2 Accountability

As argued by Gready, a HRBA makes humans rights-holders, rather than poor in need of aid, which moves development from an act of charity to an issue of rights. This changes the perception of poverty, by that people are no longer poor but *in* poverty because of reasons that someone is responsible for. But for the approach to have any value, accountability is necessary (2008: 741-742). Both Jonsson and Banik states that increased accountability comes with defining duty-bearers, rights-holders and their roles and creating claims and duties (2004: 16 and 2010: 37), and Rezaeenezhad and Kordnaeij argues that this is central in a HRBA (2012: 48).

The 1986 declaration explains that all humans are responsible for development and for respecting everyone's rights, and that states have the duty (and right) to constantly improve circumstances for their citizens and realize their rights (Rezaeenezhad and Kordnaeij 2012: 49). States have traditionally been seen to have an obligation to deliver, protect and oversight human rights. They are also responsible to ensure that non-state actors do not violate any rights. According to Gready, “casting development in terms of rights suggests that the state has certain direct responsibilities for delivery“ (2008: 740). However, there are difficulties with defining which actor(s) that is/are responsible in global development processes, which lay ground for the issue of accountability in a HRBA and its effects on governance and authority structures.

Thus, rights are traditionally established in citizenships, through relation between citizen and state, where the state has to protect and ensure rights the citizen hold, whereas the citizen has to follow certain obligations such as the rule of law. However, as Hird-Younger writes: “[a] state-centered framework does not adequately reflect the transnational reality of rights-based approaches, and therefore a state-centered model of accountability, such as a territorially bounded concept of citizenship, cannot adequately determine the accountability for these rights“ (2010: 46). She also argues that: “[t]here is little consensus with regard to which institution or entity is, or should be, responsible for determining the fulfillment of rights or defining how they should be implemented. This confusion stems from the contradiction that rights-based approaches originate at a global level, but in a context in which traditional conceptions of territorially bound accountability, authority and power are not always applicable“ (Hird-Younger 2010: 45). Thus, a HRBA have developed with globalization, which makes citizenship and rights relations complicated, as rights are not

linked to territory such as citizenship is. Hence, responsibility for human rights in international treaties does not fit with the traditional state-centered model, and a HRBA have developed without the development of institutions to ensure such rights are fulfilled. There are currently many different actors involved in human rights and development, both non-state and state, and who is accountable, if any, and for what is often unclear.

With globalization there is no single power, although states still hold the main responsibility and power of its citizens. The HRBA contributes to accountability by strengthening rights-holders to claim their rights, as well as duty-bearers to deliver them. Gready stresses that the use of law is crucial for a HRBA to have any value and make development an entitlement for states and other actors, but acknowledges that there is a challenge to make accountability mechanisms function and it is unclear whether it will serve downwards to those affected or upwards to donors (2008: 736, 738).

3.2 Roles of NGOs and state agencies

Earlier, governments had the major role in decision-making and implementation of development policies at a national level. In the first decades of development efforts, the role of the state was to be involved in every part of society, in particular the economy. In the 1980s, non-state actors, in particular private, gained influence in economies and with globalization and an increasingly integrated world, more actors have been included and influential in international development (Potter et al 2008: 275, 312). INGOs have since the 1990s had an increasingly important role in international relations and as non-state actors in global governance (Brül in Steffek and Hahn 2010: 181, 185). Potter et al confirms that INGOs are now prominent in debates and problem-solving regarding global development issues. With globalization, governance in international relations are no longer the role of the state solely (2008: 276, 323). Further, Potter et al argues that “NGOs do not set development policy, but they increasingly describe to development ideologies [...], and their role in influencing policy formulation and implementation have risen rapidly in the past two decades [...]” (2008: 319). However, governments are still seen as having the primary role in development, and the millennium development goals (MGDs) are examples of which state-actors are responsible to bring about (Potter et al 2008: 316).

As clarified above, states, or governments, have the responsibility and mandate to negotiate internationally to establish multilateral agreements (Potter et al 2008: 314). Human rights standards are examples of such an agreement. However, Baehr states that NGOs have played an important role in the international standard setting of human rights, such as the UDHR. This by preparing and promoting the rights, to hinder and prohibit human rights violations and protect potential victims (2009: 64, 76-77). Donnelly also stresses that NGOs were drivers for getting human rights declared in UN covenants (in Baylis et al 2011: 503- 504). Thus, NGOs are recognized important players in international politics, in particular regarding human rights, but decisions still lie in the hands of state or intergovernmental actors (Baehr 2009: 128).

Some argue that governments and civil society have different interests and agendas (Potter et al 2008: 316). But regarding development and human rights, there are defined objectives which lie in the interest of both actors to reach, in UDHR that most governments have ratified and INGOs are advocating for, as well as development goals such as the MDGs. There are states that systematically violate human rights, but Donnelly means that governments cannot deny the obligations they have taken on by ratifying international human rights treaties (in Baylis et al 2011: 499). According to Nelson and Dorsey, even poor governments, are obliged to respect and realize its citizens human rights (2008: 173). However, governments may, for various reasons, not always hold the resources and capacities to ensure human rights for its citizen. In countries with inadequately functioning national institutions, non-state actors, in particular civil society in form of NGOs, work to put pressure on governments as a response to its shortcomings, and have in cases taken on a role to cover deficits of governments (Potter et al 2008: 276, 314-315). But, their operations and impact are limited, “because implementation and enforcement of human rights is a state responsibility, NGOs, no less than states and international organisations, must usually act through, rather than around, states” (Donnelly in Baylies et al 2011: 504).

3.3 Weaknesses of the HRBA

Researchers criticize the HRBA to be well developed in theory but not translated into practice to the same extent (Darrow and Thomas 2005: 472; Kindornay et al 2012: 473, 477, Piron

2005). Uvin argues that since the emphasis has been on the rhetorical part of the discourse, its meaning is still unclear. He states that several NGOs struggle with the implementation, but it remains uncertain whether it will lead to actual change in programs and for the poor (Uvin 2007: 597, 603). Banik believes that the approach have not shown its potential due to insufficient institutions in developing countries and lack of support from political leaders to renew development thinking discourage practical implementation. He is uncertain of whether the HRBA, with its advantages, will dominate development efforts (2010: 35, 38). Damman states that “[...] elaboration of the human rights-based approach to development is still in its early stages. Human right lawyers, the UN human rights bodies, the academia, non-governmental organizations and the international development community have found themselves in unfamiliar territory trying to define its content and apply it in practice” (2007: 532). Gready agrees that it remains to be seen what HRBA will offer, but that efforts of translating theory into practice are currently made (2008: 745).

According to Gready (2008), another weakness of the HRBA is that it is resource demanding in terms of time and money. These investments are done to include the marginalized and encourage active participation, which can be seen as a development achievement in itself as it is part of empowerment. However, Uvin is sceptical about the principles of inclusion and participation's real meaning, as their importance was recognized decades ago. He further states that participation makes the HRBA costly (2007: 604). Darrow and Thomas mean that there are practical limitations of to which extent participation is possible, as people who are struggling for daily survival may not be able to attend workshops and meetings regarding their own development (2005: 485, 510). Kindornay et al agree, and explain that the HRBA may have the unintended negative consequences of “forcing” locals to actively participate in development projects, as well as putting extra workload in terms of administration and evaluation on development professionals (2012: 489). Evaluation is always an issue in development, and demands additional time and financial resources, and critique goes that a HRBA lacks indicators to measure progress and results (Banik 2010: 40, Darrow and Thomas 2005: 510).

Additionally, the HRBA's claim of equality can be questioned. Banik brings up the issue of developing countries' dependence on financial aid from other states, where despite the focus on ownership, there are still unequal power-relations between recipients and donors. Accountability mechanisms are often inadequate, where donors seldom are held accountable by those effected, and responsibility often lies within the recipient country solely (Banik 2010: 46). Banik further means that the approach is imposed on developing countries, rather

than being an initiative coming from inside, which obstructs chances for success and equality in relations (2010: 40).

4 Analytical Framework

4.1 Definition

This thesis uses a shortened version of the United Nations' Organization for High Commission on Human Rights (OHRCH) definition of a HRBA. They acknowledge there is no one recipe for it, however there are characteristics that are agreed on by the UN, which are in line with earlier mentioned scholars: All programs of development cooperation, policies and assistance should further the realization of human rights as laid down in the UDHR and other international human rights instruments, and principles and standards deriving from those, should guide all phases of programming in all sectors. Development cooperation contributes to the development of the capacities of “duty-bearers” to meet their obligations and of “rights-holders” to claim their rights (OHCHR 2006: 35). The HRBA recommends adoption of following elements in poverty reduction policies and programs; focus on the poor and marginalized, analyze underlying power relations and root causes of discrimination, ensure that both processes and concrete poverty reduction targets are consistent with international human rights standards, ensure transparency, accountability and participation, and identify indicators and benchmarks so that the progressive realization of economic and social rights can clearly be monitored (OHRCH 2006: 15).

4.2 Accountability in a HRBA

Previous studies have shown examples of both state agencies and INGOs that have adopted the HRBA to development, where identifying duty-bearers and empowering rights-holders are

central concerns. Duty-bearers are in general the state, and governments are accountable to their citizens to ensure, and not violate, their rights. However, as Banik argues, “[...] a HRBA also appears unclear on the exact nature of duties and obligations of national governments which are necessary to fulfill, protect and promote human rights” (2010: 40).

Hird-Younger calls for a form of transnational accountability but admits that most scholars believe that states should be accountable and by using a HRBA to development, it becomes a tool for citizens to demand accountability (2010: 46). Banik agrees that states have obligations to its citizens, but that a HRBA extends the duty-bearers and rights-holder relationship to all levels of society (2010: 37). Gready explains that the state hold main responsibility to ensure human rights, but cannot be alone in this role (2008: 741). As Hird-Younger describes, there are primarily non-state actors such as INGOs that use HRBA, and they also have to play in accountability (2010: 46). Additionally, Jonsson points at that one person or actor can hold both duties and claims (2004: 16). Hence, the principle of accountability provides no clear directives on responsibilities within the use of a HRBA, and Piron explains that “[t]here is still no agreement on who the “duty-holders” and “rights-bearers” are and how progress is to be measured” (2005: 20).

However, by claiming to represent a group of people, or taking on a mission working with them, responsibility naturally follows. The issue of accountability is in particular present regarding (I)NGOs' use of a HRBA, as there are tensions in trying to hold states accountable while at the same time involving people in development programs without explicitly having to be accountable to those. Halpin and McLaverty argues that accountability is difficult to demand, and it is questionable if NGOs are accountable to those people and whether they can be held accountable (in Steffek and Hahn 2010: 71). According to Havrda and Kutilek, there is for NGOs upward accountability, where they should be accountable to their supporters – state donors, market donors and private donors. Tools are to hold a high level of transparency of the budget, and ensure adequate reporting and evaluation of development projects. There is also downward accountability, meaning to be accountable to the poor, or those affected by the development projects and programs (in Steffek and Hahn 2010: 169). In relation to this study, these forms of accountability can be applied also to state agencies. Upward accountability would then be to the own state, and additional accountability should exist towards partner countries' government.

4.3 Possibilities of implementing a HRBA

Alston states that NGOs and governments have separate roles and tasks in global governance (2005: 27). Baehr argues that the different actors need each other, as NGOs are useful sources of information to the state, whereas governments have the power to attain the interests of NGOs (2009: 123). Kamminga agrees that governments do have responsibilities for their citizens and tools to ensure their welfare, but they often consist of elites whereas NGOs often do, or have the possibility to, operate closer to the lower levels of society and bring up issues that governments miss or ignore. They are not rival actors in the development arena, rather they serve different functions and can cooperate (in Alston 2005: 110). In fact, the different actors are by some means interdependent, and by combining their efforts, development objectives can be reached more efficiently (Potter et al 2008: 277, 323).

Governments and state actors often possess more financial resources, and have the mandate and power to bring change about by enforcing law and realize rights. Further, they have a more diplomatic stature in bilateral relations and international organizations, and can thereby affect decision-making in international agreements and influence other states to a larger extent (Donnelly in Baylis et al 2011: 503- 504). Piron, argues that bilateral aid agencies are government departments, and should therefor “[...] be more directly obligated under the international human rights regime than international or non-governmental organisations (NGOs) and can significantly shape the aid discourse” (2005: 19).

NGOs, on the other hand, are often “smaller” organizations than governments, and can therefor operate and adapt more rapidly than larger, bureaucratic institutions have the possibility to do. Further, NGOs have a tradition of working closely with the poorest and marginalized groups in society (Potter et al 2008: 319). Consequently, developing close relations with locals can increase participation and inclusion of the poor. According to Darrow and Thomas, conducting work through partnerships and local participation makes use of local knowledge and experiences and pinpoints ownership (2005: 506). Moreover, Jonsson states that the principle of participation encourages grass-root engagement and can make people feel an “ownership” of their development (2004: 16).

Advocacy to local, national and global powers is a common way of practicing a HRBA (Gready 2008: 743). INGOs can be assumed to have an advantage here, as states often need to maintain international diplomatic relations and cannot advocate as aggressively as INGOs for other nations to fulfill their entitlements. However, state-actors may be more

listened to since it is also in recipient governments' interest to uphold a good position in the global political arena and maintain a bilateral partnership.

A HRBA is often criticized for failing in implementation, and defined constraints are mainly those of resource demanding character. It is time consuming and results are difficult to measure, with the consequence that evaluation becomes tricky and costly. The intention of increased equality among those involved while conducting development has also been questioned. As Banik puts it: “[i]n general, advocates of conventional (basic-needs based) development question to what extent approaches such as a HRBA really ‘reinvent’ development, as its proponents often claim.” (2010: 39).

4.4 Analytical Focus

Considering the critique of the HRBA remaining mainly rhetorical, ActionAid and Sida are investigated to see if there has been an actual change in the way development work is conducted or if practices remain the same. Emphasis is on the integration and use of the principles accountability and participation. Accountability, as it is an issue with a lot of tension around it and no clear statements on which actors should be accountable to whom in a HRBA to development. Also, the use of the accountability principle is likely differ between the two organizations, where state actors may have a stronger influence on other governments but INGOs can advocate more aggressively as they do not need to uphold bilateral relations. Participation is chosen because INGOs as grass-root organizations are assumed to ensure more participation by locals than governmental organizations, whereas state agencies may easier involve the governments in developing countries.

5 Analysis: A comparison of NGO and state implementation of the HRBA

In this chapter, differences and similarities of ActionAid's and Sida's implementation of a HRBA are outlined. The differences are related the respective roles of the actors and the analysis seeks to explain strengths and weaknesses of the actors' use of the HRBA.

5.1 Understanding of the HRBA

ActionAid's strategy for 2005-2010 states the organization's aim to address unequal power-relations and strengthen the HRBA, as well as “deepening our accountability in communities and countries where we work”, as a way to promote equitable power between North and South (AAI 2004: 4). In line with researchers as Damman (2007), Gready (2008) and Banik (2010), ActionAid means that the causes of poverty are unequal and unjust power relations, and they use power analysis to identify those relations (AAI 2010: 58). Central to their HRBA is to support rights holders to organize and claim their rights, and hold duty bearers to account (AAI 2004: 5, 9-10, 25). Mobilizing and awareness-rising are main strategies on how to support rights-holders. Duty-bearers are addressed by pursuing them to accept responsibility, expose their violations and challenge them (AAI 2004: 37).

Sida defines their HRBA as a working method that uses human rights instruments and mechanisms to reach development objectives. It builds on the four core principles, (as mentioned by Darrow and Thomas 2005; Gready 2008; Jonsson 2004 and Uvin 2007) and is based on the rights stated in UN conventions. Sida's emphasis is on participation and accountability, as these principles are central for rights holders to be able to claim their rights. To understanding power structures, power analysis is applied, by defining stakeholders, duty-bearers and their relationship (Regeringskansliet 2010: 13, 32; confirmed by Respondent 3B). The policy states the importance of not only focusing on results, but also on the process,

which is by Gready (2008) argued to be central for the HRBA (Regeringskansliet 2010: 28, 29). Sida works through dialogues and by supporting the partner governments in the protection of human rights, but support goes also to civil society, who's role in ensuring participation and increase demands for accountability is acknowledged (Regeringskansliet 2010: 16; Sida 2012: 99, 103).

As formulated by Darrow and Thomas: “[a] human rights-based approach is a framework for understanding and managing the negative impacts of discrimination and disempowerment, not a one-dimensional and static formula” (2005: 501). Nelson and Dorsey agrees that a HRBA do have set principles, however those are not a blueprint (2008: 106). Similarly, ActionAid and Sida both emphasis the need to adapt the HRBA to the context (AAI TSR 2010: 5, 20; Sida 2012: 16).

5.2 Implementation and challenges

5.2.1 ActionAid

Interviews explained that ActionAid's use of a HRBA implies assisting people to mobilize themselves, create awareness and use the existing potential and knowledge. It means that you go out in the field for a couple of years, together with local organizations and the poor, to identify issues that hinders development and map what rights that are unfulfilled. This follows by a program plan, education of human rights and advocacy to state officials. When ActionAid leaves the area, locals should have tools to continue education of rights to neighboring communities and inspire to advocacy, as a catalyst for further development and strive for fulfilled rights (Respondents 1A, 3A). Welch argues that evaluating NGOs' work is difficult and their impact may be little, but stresses the potential for a catalyst effect (2001: 216).

One ActionAid employee emphasized that in situations of starvation or in areas of deep poverty, people are not responsive for information meetings and workshops, and certain needs have to be stilled before working with a HRBA. Hence, it is not possible for locals to organize, when they struggle to survive the day (Respondent 4A). Darrow and Thomas

(2005), as well as Kindornay et al (2012) reflected on this issue of participation, and the problem seem to have been confirmed.

ActionAid's evaluation shows that implementation and impact of the HRBA have varied (AAI TRS 27). Archer states that “[it] takes time to build understanding of a human rights-based approach at all levels. ActionAid’s practice is inevitably uneven and this will be true of any organization” (2011: 353). Staff have been educated, rights holders informed and advocacy to governments have been practiced. There have been a strong commitment to the approach, but transition from service-delivering is still in practice, in particularly in many African countries (AAI TSR 2010: 5, 20). However, scholars mention that despite distinction of a HRBA to other approaches, NGOs may operate both service-delivering, in human rights advocacy and in emergencies simultaneously (Alston 2005: 96; Welch 2001: 210), and ActionAid do combine their work with service-delivering. For example, when supporting locals in claiming their right to education, ActionAid may run a school as an example of what it could look like, but mostly to gain respect among locals as well as authorities. A physical project like a school building can justify the more abstract process of advocacy (Respondent 1A). Kindornay et al bring up this importance of gaining trust, recognition and commitment by local rights holders as well as duty-bearers, and that service delivering can be an efficient tool for it (2012: 493).

Interviews provided fairly similar responses but also different. For example, some thought that the strategy and resource books, mirror the reality and were created as a response to how ActionAid's development cooperation functions. Others, however, argued that the strategy is still relatively new (in particular the 2012-2017 strategy which further elaborates on the HRBA), and has not reach implementation yet.

5.2.2 Sida

Sida reports an extended use of the HRBA, and that strategies and staff's integration of the polices are increasingly improved. However, implementation and use if the principles vary and depend on the context (Sida 2012: 16). Employees confirm the HRBA's context-dependency and the principles have different emphasis in different cases (Respondents 3B, 4B). In Kenya, mentioning accountability created tensions as it would challenge current power structures, but implementation of participation, transparency and non-discrimination were successful. Where in Moldavia, non-discrimination was difficult as marginalization of

certain groups were strongly rooted in the culture (Sida 2012: 102, 106.) Piron (2005) identified that a challenge for state agencies is to perform all the principles of the HRBA simultaneously. This is confirmed by Sida, who states that in general, accountability and transparency have shown harder to practice than non-discrimination and participation (Sida 2012: 107).

Sida experiences that the HRBA and its principles are applied to a larger extent in preparation and analysis, than in implementation and evaluation (Sida 2012: 118). One interviewee admits that on state level, the approach is more rhetorical than practical. Partner governments may accept the principles, but not really implement them. Further, civil and political rights can be seen as too controversial, as well as having rights or the principles stated as goals (Respondent 3B). Banik mentions that the efforts of a HRBA to development in Malawi met the same challenge, where the human rights language was met with a fear of that its implementation would create instability in society (2010: 41- 42). A Sida employee confirms that it can be easier to talk about the principles than about human rights per se, and sometimes only one of the principles is possible to work with (Respondent 3B).

Some of the employees state that it has taken time to get policy to practice and integrate it in all parts of the organization (Respondents 3B, 4B). Others argue that there has been a severe shift in the way Sida conducts development, and that a HRBA is well established in the organization, however it was admitted that service-delivering is still used. (Respondents 1B, 2B). Sida's "HRBA – Lessons Learnt" showed a wide variation in knowledge and understanding of, as well as interest in, the HRBA principles, something interviewees suspected (2012 (2): 8; Respondent 2B, 4B). Consequently, differences in interpretation result in differences in use and impact.

Redondo believes that the size and variation of UN makes it difficult to ensure an adoption of the approach to all organs and employees (2009: 34). Piron argues that problems of operationalizing often lies in that agencies having too many policies to focus on, education of the approach may be inadequate and it may be difficult to get all staff along (2005: 26-27). This could also explain why practical implementation of a HRBA is complex within Sida. Sida is not an as large organizations as the UN, but operates both globally, regionally and locally. There are strategies for each level where the rights perspective is stated, but those lack clarity as guiding documents, and goals for the HRBA do not always exist. Further, Sida has several thematic areas with polices, and together with diffuse directives from leading position, employees explain that it has been difficult to know what to focus on (Respondents 2B, 4B).

Moreover, Darrow and Thomas (2005) argues that by adopting a HRBA development actors should aim at a positive transformation in the power relation among stakeholders and themselves. This relates to ownership, which importance of it was declared in the Paris Declaration, and means that partner (recipient) countries own their development. Thus, Sida's staff are uncertain of to which extent to interfere and impose a HBRA, since it then can be seen as a donor driven agenda. It was acknowledged that full ownership is not be possible as Sweden as a donor country have certain requirements, such as those of a HRBA (Sida 2012 (2): 2). One employee brought up the need for comprising, but admitted that it is difficult to negotiate with the HRBA, since the method involves the use of the principles, but also because the HRBA put high demands on partner country, which can obstruct chances for the acceptance of it (Respondent 4B).

5.3 The issue of accountability

ActionAid defines the primary legal duty-bearer as the state and rights-holder as the citizens, but argue that in weak states, UN or other actors, like INGOs such as ActionAid are replacing primary duty-bearers (AAI 2010: 36). ActionAid often works together with local authorities that are duty-bearers that may lack resources, and assist them in demanding resources from the national state authorities (Respondent 1A). However, claiming rights from duty-bearers is tricky in situations where governments do not have the resources, and then ActionAid need to focus more on needs and service delivering (Respondent 2A). Sida also states that weak governments often are unable to live up too its tasks, and to hold the state accountable is therefor difficult (Respondent 1B). Jonsson reflected on a similar issue, and believed that inability of governments may be due to own rights violated (2004: 4).

Steffek et al states that it is questionable if NGOs are accountable to the people they work with, and whether they can be held accountable (in Steffek and Hahn 2010: 71). The responsibility of ActionAid employees was not explicitly mentioned in interviews, however evaluations stated that downward accountability mechanisms had functioned, by including locals in processes and sharing information (AAI TRS 2010: 25). In line with Darrow and Thomas (2005) and Uvin (2007), ActionAid's strategy states that while advocating for the

state to be accountable, it is necessary to also be accountable to rights holders, as well as to staff (AAI 2010: 49). Employees however, explained that how to integrate principles of the HRBA within the organizations was still unclear.

Sida argues that states, if having ratified human rights conventions, are required to respect, protect and provide the rights for its citizens (Regeringskansliet 2010: 8, 11-12). Sida operates through dialogues with governments, to get them to realize their responsibility to fulfill the rights of its citizens, but also to tries to get them to understand their own winning of it. "However, we have to be diplomatic so they do not throw us out, because then we get nothing done." (Respondent 2B). In fact, accountability has been the biggest challenge, and what Sida has worked the least with, as it requires changes that are not always pleasant for partner governments (Sida 2012: 107). Sida takes on responsibility for policy implementation, but explicit responsibility towards partner country's government or its citizens is not mentioned (Regeringskansliet 2010: 33). Further, an employee explains that Sida's responsibility is to analyze risks, and to have mechanisms to ensure that rights holders can give their complaints to the state. Accessibility to information about processes is necessary, and how accountability in development programs can be reached. However there are no mechanisms for rights-holders to demand accountability from Sida (Respondent 3B).

5.4 Main findings

Both Sida and ActionAid have an understanding of the HRBA in line with the consensus in the academic debate, and the definition by OHCHR (2006), and they aim to apply the core principles of the approach in all their work. Critiques blame development actors for announcing their commitment to HRBA, where little change is seen in the practical implementation of development programs (Kindornay et al 2012; Uvin 2007). In contrast to these authors, both Sida and ActionAid seem to have, according to their employees, done a severe shift in the way they are conducting development work (Respondents 1A, 2A, 3A, 1B, 3B). However, the analysis found that there are certain strengths and weaknesses with the respective actor's implementation of the HRBA. An interesting result shows differences in their relation to governments, which affects their use as well as impact of the HRBA.

Assist in developing capacities for rights holders to claim their rights as well as for duty bearers to fulfill their duties is central in a HRBA (Jonsson 2004: 6). This study has shown that, the main difference of a HRBA between Sida and ActionAid, is that Sida focus is on assisting governments, namely the duty bearer, where ActionAid takes sides with the poor, so-called rights-holders. Archer explains that ActionAid's HRBA is a method where people living in poverty are assisted to become conscious of their rights and organized to claim those, hold duty bearers accountable and confront power imbalances (2011: 7). Sida may also challenge states as duty-bearers, but mainly by discussing the rights they are responsible to protect and fulfill. Contrary, ActionAid educates the poor about their rights and how to claim them. ActionAid do not enter partnerships with states as their HRBA is critical towards them, but can work closely to governments regarding particular issues (AAI 2010: 53). In fact, surveys showed that ActionAid appeared to be in direct conflict with governments. At least, the view of many locals was that ActionAid may see the government as an opponent rather than someone who can actually fulfill their rights (AAI TSR 2010: 13). Sida, however, mainly works by supporting partner governments to reach development objectives and realize human rights. They also advocate, but through dialogue. ActionAid on the other hand are more in dialogue with the people on the local level. As Uvin argues, discussions can serve as mechanisms for accountability where legal mechanisms are inadequate (2007: 603).

The resource demanding nature of a HRBA is confirmed by both actors, in particular in terms of staff in its initial stages. It is a long-term method, which requires changes in attitudes, patterns and structures, but as Darrow and Thomas (2005) argue, the HRBA is preventive as it focuses on problems and not the symptoms of them. As it is a most sustainable way known to conduct development, time and costs are argued to be worthwhile (AAI 2010: 67; Sida 2012: 103; Respondents 1-4A, 1-4B).

6 Conclusions

In the last decades, several global development actors have taken on a HRBA to development as a response to previous failures in the aid industry. What characterizes the approach, are the principles of accountability, transparency, participation and nondiscrimination, and the use of human rights mechanisms to enable the fulfillment of development goals. A HRBA is believed to be a more sustainable way of conducting development as it aims to change structures and empower people to take action, be aware of their rights and own their own development.

Researchers criticize the HRBA for being promoted at policy level, but not implemented in practice to the same extent. This study has looked at ActionAid and Sida, and confirms that the HRBA is more developed in strategies and policy-making. However, it has shown that ActionAid and Sida have done a severe shift in the way they work. Their integration of the HRBA into policies are similar to each other and match the general academic idea of what a HRBA is. Both ActionAid and Sida are close to policymaking but not fully there, and they strive to further integrate the HRBA in their practices. Sida's width of focus areas, policies and directives, have obstructed a coherent adoption of the HRBA both within the organization and in programming.

Results show that differences in the implementation of the HRBA are mainly in the relations with the governments. Both ActionAid and Sida work with advocacy, Sida by trying to influence and support governments through dialogue and ActionAid by organizing the poor towards the government. Sida as a state agency have a strength in holding more political power and thereby potential for influencing other states. However, as maintaining good relations with other governments is required, imposing a HRBA in partnerships is not always easy. A strength of ActionAid as an INGOs is that they do not have to come on terms with governments to the same extent. Further, as assumed, ActionAid operate closer to the grass-roots levels and can therefore easier enable participation of the poor.

Both actors have met challenges with applying and implementing the principle of accountability, which confirms the issue of it, as debated in academia. Obstacles for Sida are more of a diplomatic sort, as they have to be on good terms with partner governments and

cannot push too strongly, whereas ActionAid seems to lack tools for holding duty bearers to account.

In conclusion, differences as actors can explain variations in implementation of the HRBA, but weaknesses in the approach obstructs possibilities to put into practice. Findings showed tensions and diffusion around the principle accountability. The integration of rights in development is supposed to give access to human rights mechanisms to reach development objectives, but the HRBA offers no such tools in reality. States are argued to have the responsibility for a human rights even though not always translated into national state law. However, when entering a partnership for development cooperation, all actors hold some sort of responsibility for the operations they are a part of and for those that are affected. The blurriness of the principle of accountability may be the primary hinder for the implementation of a HRBA. For further use and success of the HRBA, this thesis suggests that future researchers as well as development and human rights professionals, focus on and come to some sort of coherence on responsibilities and enhanced guidance for how accountability should be addressed.

7 References

- ActionAid International's annual report 2011, available at http://www.actionaid.org/sites/files/actionaid/aa_i_2011_annual_narrative_report_final_assemblyapproved_02july2012.pdf [accessed April 26 2013]
- ActionAid International strategy for 2005-2010 “Rights to End Poverty” available at http://www.actionaid.org/sites/files/actionaid/actionaid_international_strategy_2005-2010.pdf [accessed April 26 2013]
- ActionAid International Taking Stock Review (TSR) 2010, Brown, David October 2010, pp 1-35
http://www.actionaid.org/sites/files/actionaid/tsr3_synthesis_report_final.pdf
[accessed May 20 2013]
- ActionAid International strategy 2012-2017 “People's Action to End Poverty” available at
http://www.actionaid.org/sites/files/actionaid/peoples_action_to_end_poverty_28pp.pdf
[accessed April 26 2013]
- ActionAid's “Action on Rights -Human Rights Based Approach Resource Book” 2010, available at
http://www.actionaid.org/sites/files/actionaid/hrba_resourcebook_11nov2010.pdf
[accessed April 26 2013]
- ActionAid's resource book “People's Action in Practice – ActionAid's Human Rights Based Approach 2.0” pp 1-230, available at:
http://www.actionaid.org/sites/files/actionaid/peoples_action_in_practice_english_amended_kcp7.pdf [accessed March 6 2013]
- Alston, Philip (ed) 2005: Non-state actors and Human Rights, published by Oxford University Press, New York. Chapters by Philip Alston and Menno T. Kamminga used.
- Archer, David (2011): “Policy and Practice Note. Developing a New strategy for ActionAid to advance a Human Rights-Based Approach to Development” in Journal of Human Rights Practice. Vol 3, No 3, pp. 332-354
- Baehr, R. Peter (2009): Non-Governmental Human Rights Organizations in International Relations, published by Palgrave Macmillan.
- Banik, Daniel (2010): “Support for human rights-based development: reflections on the Malawian experience”, The International Journal of Human Rights, 14:1, 34-50

- Baylis, John; Smith, Steve; Owens, Patricia (2011): *The Globalization of World Politics. An introduction to international relations*. 5th edition, Oxford University Press
- Bryman, Alan (2008): *Social research Methods* 3rd edition, Oxford University Press
- Crawford, Gordon (2010): “Decentralisation and struggles for basic rights in Ghana: opportunities and constraints”, *The International Journal of Human Rights*, 14:1, 92-125
- Damman, Siri (2007): “Indigenous Vulnerability and the Process Towards the Millennium Development Goals–Will a Human Rights-Based Approach Help?” In *International Journal on Minority and Group Rights* no. 14, pp 489–539
- Darrow, Mac & Thomas, Amparo (2005): “Power, Capture and Conflict: A call for Human Rights Accountability in Development Cooperation” in *Human Rights Quarterly*, Volume 27, Number 2, May 2005, pp. 471-538
- Gready, Paul (2008): “Rights-based approaches to development – What is the value added?”, in *Development in Practice*, Vol. 18, No. 6 (Nov., 2008), pp. 735-747
- Esaiasson, Peter; Gilljam, Mikael; Oscarsson, Henrik; Wägnerud, Lena: “*Metodpraktikan – konsten att studera samhälle, individ och marknad*”, 2007 (3rd edition), Norstedts Juridik
- Flyvbjerg, Bent (2006): “Five Misunderstandings About Case-Study Research”, in *Qualitative Inquiry*, 2006: 12, pp, 219-245
- Gillham, Bill (2010) “*Case Study Research Methods*”, published by Continuum International Publishing, London
- Hird-Younger, Miriam (2010): “Accountability in rights-based approaches to development; the emergence of transnational forms of governmentality”, in *Undercurrent Journal* Volume VII, Issue III: Fall/Winter Issue 2010, pp 44- 54
- Ishay, R. Micheline (2007): *The Human Rights Reader*, 2nd edition, Routledge Taylor & Fancis Group, New York
- Jonsson, Urban (2004) “A Human Rights-Based Approach to Programming (HRBAP)” available at http://www.unssc.org/web1/programmes/rcs/cca_undaf_training_material/teamrcs/file.asp?ID1/4479 [accessed April 24 2013]
- Nelson , J. Paul and Dorsey, Ellen (2008) *New Rights Advocacy*, published by Georgetown University Press
- O'Dwyer, Brendan and Unerman, Jeffrey (2010): “Enhancing the role of accountability in promoting the rights of beneficiaries of development NGOs”, *Accounting and Business Research*, 40:5, 451-471

- Piron, Laure-Hélène (2005): “Rights-based Approaches and Bilateral Aid Agencies: More Than a Metaphor?” in IDS Bulletin 36.1 Developing Rights? Pp 19-30
- Potter, B. Robert; Binns, Tony; Elliot., A. Jennifer and Smith, David (2008): Geographies of development. An introduction to development studies. 3rd edition, published by Pearson Education Limited.
- Redondo, Elvira Domínguez (2009): “The Millennium Development Goals and the human rights based approach: reflecting on structural chasms with the United Nations system”, The International Journal of Human Rights, 13:1, 29-43
- Regeringskansliet (2010) “Change for Freedom. Policy for democratic development and human rights in Swedish Development Cooperation, 2010-2014”, published by Department for Development, Policy and the Press and Communication Department, Ministry for Foreign Affairs, Sweden 2010. (copies can be ordered at www.ud.se)
- Respondent 1A – interview with employee at ActionAid Sweden on March 11, 2013, Stockholm, Sweden
- Respondent 2A – interview with employee at ActionAid Sweden on March 12, 2013, Stockholm, Sweden
- Respondent 3A – interview with employee at ActionAid Sweden on March 13, 2013, Stockholm, Sweden
- Respondent 4A – interview with employee at ActionAid Sweden on April 15, 2013, Stockholm, Sweden
- Respondent 1B – interview with former employee (left at the end of 2012) at Sida on March 7, 2013, Stockholm, Sweden
- Respondent 2B – interview with employee at Sida on April 12, 2013, Stockholm, Sweden
- Respondent 3B – interview with employee at Sida on May 8, 2013, Stockholm, Sweden
- Respondent 4B – interview with former employee (left at the end of 2012) at Sida on May 15, 2013, Stockholm, Sweden
- Rezaeenezhad and Kordnaej: “Rights-based approach to development”, in OIDA International Journal of Sustainable Development 03:05 (2012)
- Shannon Kindornay, James Ron, & Charli Carpenter (2012): “Rights-Based Approaches to Development: Implications for NGOs”, in Human Rights Quarterly 34, pp. 472–506
- Sida Human Rights Conference <http://www.sida.se/Svenska/Kontakta-oss/Konferenser/Avslutade-konferenser/MR-dagar-15-16-november/Vara->

[seminarier/Hur-driver-vi-rattighetsbaserat-bistand--en-workshop-/](#) [accesssd April 9 2013]

- Sida (2012) “Result för Rättvisa och Utveckling”, Report on Sida’s results on democracy, human rights and human rights based approach” [available at http://www.sida.se/Publications/Import/pdf/sv/Resultatbilaga-till-Sidas-197rsredovisning-2011_3253.pdf] [accessed April 9 2013]
- Sida (2012 (2)) “HRBA Lessons Learnt”, Internal Document on experiences of the practical implementation of a HRBA, pp.1-12, December 2012 (got access by an interviewee)
- Steffek, Jens and Hahn, Kristina (eds) 2010: Evaluating transnational NGOs. Legitimacy, accountability and representativeness” published by Palgrave MacMillian. Chapters by Darren Halpin and Peter McLaverty; Jens Steffek, Ralf Bendrath, Simon Dalferth, Kristina Hahn, Martina Piewitt and Meike Rodekamp; Marek Havrda and Petr Kutílek; Tanja Brül
- UD (2001) “A Democracy and Human Rights Based Approach to Development Cooperation” Strategy for Sida by the Ministry of Foreign Affairs, Department for Democracy and Social Development, Sweden 2001, available at www.regeringen.se
- United Nations Office for High Commission on Human Rights (OHCHR) “Frequently Asked Questions on Human Rights Based Approach to Development Cooperation”, UN New York and Geneva, 2006, pp. 1-50
- Uvin, Peter (2007): “From the Right to Development to the Rights-Based Approach: How 'Human Rights' Entered Development”, in *Development in Practice*, Vol. 17, No. 4/5 (Aug., 2007), pp. 597-606
- Welch, E. Claude Jr. (eds) 2001: *NGOs and Human Rights*, published by University of Pennsylvania Press, Philadelphia

Appendix 1

Interview Guide

1. What do you mean by a HRBA to development?
(What rights? How does it differ from other approaches?)
2. Why has your organization decided to use an HRBA to development?
3. How do you work with a HRBA in practice? (Practical implementation)
4. What are the prospect with using a HRBA to development?
5. Do you see any constraints with a HRBA? (Challenges? If, which?)
6. Can your organization perform a HRBA differently than (non)state actors?
7. Who do you define as the duty-bearer, or the one accountable for human rights and development? (Who else have responsibilities? What? What is the responsibility of your organization?)
8. What constraints or challenges may you encounter when trying to hold duty-bearer accountable? (How do you overcome those challenges?)
9. Do you see any differences in your organizations' policies and the implementation of the HRBA? (Challenges ahead?)
10. Anything you would like to add? Questions?