

Annex 3: RBA Parameters in the development process

The following is a generic overview of RBA parameters in the development process, reflecting some of the issues dealt with during the discussions at the AP-A2J's "Practice in Action" workshop

A. Participation

Participation is critical to make disadvantaged people's voices heard and increase their control over development decisions and outcomes. Participation is also considered characteristic of "good programming", as it is likely to increase the programme's effectiveness.

A rights-based approach brings important insights to the understanding of participation in development. The workshop discussed that meaningful participation is extremely difficult to achieve in reality, particularly of disadvantaged groups. Indeed, "**participation**" of disadvantaged groups is often impeded by illusory "community" interests in which elites actually dominate, by the limitations of participatory methods, and by the fact participation may be used as a justification to "legitimize" pre-existing ideas. A rights-based approach views participation as an entitlement, and therefore pursues a specific type of participation, not participation at any cost. And it recognizes that more often than not, disadvantaged people need to develop adequate capacities to participate in development programmes - if they are to meaningfully participate at all.

B. Accountability

Accountability is another important component of "good programming" to which a RBA brings additional dimensions. The workshop examined two of them: First, RBA helps to define a *clear accountability framework*, implying specific rights and obligations, and inclusive of all stakeholders, particularly those in positions of power.

Secondly, a rights-based approach demands accountability *not only in development outcomes, but also in the development process*. This implies that

- (a) accountability mechanisms should not be limited to monitoring and reporting, but feedback on the process through measurable impacts, and
- (b) real accountability (different from simply "transparency") demands that programmes systematically analyse risks, include strategies to manage them, and design mechanisms for redress if development programmes cause harm.

C. Non-discrimination and attention to disadvantaged groups

The Community of Practitioners recognizes poverty is an important source of discrimination, and discrimination often causes poverty. It is not by coincidence that women represent the majority of the poor, and of other disadvantaged groups also (e.g. internally displaced persons, persons living with HIV/AIDS). An important characteristic of a rights-based approach is its focus on **non-discrimination and attention to the most disadvantaged groups**. Focusing on non-discrimination in poverty reduction strategies helps not only to reach the poor, but also to prevent further poverty.

In this regard, the AP-A2J Network's collection of lessons reveals that existing programming methods are characterised by ineffective targeting of most sources of

marginalization. The level of disaggregation is often limited to gender and income – whereas there additional factors of discrimination, such as geographical distance, ethnic and cultural background, etc. But more importantly, non-discrimination is too often understood simply as data disaggregation for monitoring purposes. However, reaching to disadvantaged people demands the identification of multiple layers of discrimination at early programming stages to set strategies that are able to engage the excluded.

D. Linkages to Human Rights standards

Linkages to human rights standards provide a solid basis for accountability and non-discrimination in access to justice programmes. They define different grounds of discrimination that attempt to human dignity, as well as specific duties and obligations.

The workshop discussed that human rights standards are particularly useful in the field of access to justice, because they help to define the quality of justice UNDP programmes pursue. They serve to focus the analysis on remedies that protect basic entitlements of disadvantaged people, and on the safeguards to access such remedies (e.g. prohibition of illegal arrest and detention, right to legal counsel). Human Rights also provide clear guidance on the type of capacities that need to be developed and at what levels. Therefore, human rights are not a different name for traditional development objectives. They play a specific function in analysis and strategy setting, and they bring specific difficulties with them, as they are not always consistent with traditional systems. Lessons so far show that for international standards to be meaningful they need to be “localised” – for instance in setting indicators and benchmarks.

E. Empowerment

The use of RBA parameters is ultimately directed towards **empowerment**. For operational purposes, empowerment is defined as the “enhancement of capacities to control the development process”. Elements of an empowering strategy may include awareness, expertise and collective organisation.

Workshop discussions recognized empowerment and accountability as two sides of the same coin. Claim holders need to be empowered to claim and exercise their rights, but they also need to be able to do it in an accountable manner, respecting fundamental rights of other people, particularly those who are also poor and disadvantaged. Similarly, duty-bearers often need to be empowered with respect to other duty bearers to be able to fulfil their duties more effectively.

Participants recognized that empowering some groups is likely to create resistance from those favoured by the status quo. Mapping potential conflicts in the development process is necessary to manage such conflicts in a non-violent manner. Thus the parameter of empowerment brings additional process considerations: operationally, it implies that focus of resistance should be identified, and strategies to overcome them developed.