Towards a Theory of Change:
Human Rights and Development in the New Millennium

COST ACTION IS 0702: The Role of the EU in UN Human Rights Reform

Working Group II on Human Rights and Development Tools

AHRI members of COST Action IS 0702 on the role of the EU in UN Human Rights reform have established since 2009 a specific Working Group II of researchers focused on the sub-topic of human rights and development tools, including a particular focus on EU and UN institutions.

The major output of this work is an edited volume: *Towards a Theory of Change: Human Rights and Development in the New Millennium* (Routledge, 2013).

In addition to this, the team has prepared *a series of policy briefs* to help translate the research findings into concrete recommendations for European, UN and other development policy makers.

The added-value of this research is that it employs a *theory of change framework* in the analysis of how human rights inform development work at local, national and international levels. The contributions ask how the expansion of human rights into development work affects *organisational and operational change* and investigates the role of different actors in bringing about change.

The Working Group believes this research can inform key EU and UN policy instruments such as the EU Agenda for Change, the EU Strategic Framework and Action Plan on Human Rights and Democracy, and the UN Development Group's Human Rights Mainstreaming Mechanism.

Implementing the Human Rights-Based Approach: Perspectives and Challenges from the Field

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This policy brief is about translating general principles into actual development practice on the ground. It aims to reflect the views of practitioners, those involved with designing and implementing programmes and projects. It seeks to highlight some of the trade-offs in adapting the general principles of a human rights-based approach to action in the field. As such, it assumes the perspective of field officers and others engaged in project work. This brief is not exhaustive, and selects some issues that have proven to be important for the Working Group on human rights and development tools.

First is the issue of indicators. What purpose do they achieve and how well are they suited to achieving that purpose?

Second, the issue of mainstream and targeting seeks to highlight the distinction between direct and indirect action and what course of action is most beneficial for groups a project aims to reach.

Third, the issue of state and civil society discusses the selection of agencies through which to channel interventions and the pros and cons of selecting one or the other.

Finally, the issue of upstream and downstream interventions points to the sequencing of interventions. Should the horse be put before the cart or is there some merit to the other way around?

An underlying issue cutting across all four is capacity-building. Projects do not only aim at getting things done, but also to enable agencies to be in a position to get things done.

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COST (European Cooperation in Science and Technology) is one of the longest-running European instruments supporting cooperation among scientists and researchers across Europe, and is mainly supported by the European Union's 7th Framework Programme for Research and Technological Development. (http://www.cost.eu)

AHRI (Association of Human Rights Institutes) consists of 43 member institutions based in Europe that carry out research and education in the field of human rights. (http://www.ahri-network.org)

http://www.cost.eu/domains_actions/isch/Actions/IS0702

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Often considerable time may be spent getting agencies up to speed, but the capacity may as easily be lost if there is not a long-term commitment to the issue at hand.

Advancing the knowledge base and the use of indicators:

Indicators can have highly different purposes. They can serve as instruments of control as well as reform. As argued by anthropologist Engle Merry, they are a form of objective knowledge, a means of governance of people and organizations and an advocacy tool. As such, they may preserve the status quo as well as change it. Indicators are policy tools. First, they provide a baseline of the state of affairs prior to any policy intervention. Second, they provide a measure of the changes the intervention is presumed to produce. Third, they demonstrate the extent to which these changes have come about. For the human rights community, the advocacy function is of importance as indicators measure the deficits, the faults and the wrongs and provide a target for what is right, desirable and achievable. They can be divided into structural, process and outcome indicators, the former indicating capacity and intention, the middle one indicating actual measures taken and the latter indicating results and effects of these measures.

There may be differences between the human rights and the development communities in selecting what indicators are most useful for their respective purposes. The human rights community may be stressing the importance of assessing and measuring the situation of vulnerable groups and arguing that breakdown by, say, gender and urban-rural location does not go far enough. The human rights community may be more insistent on generating disaggregated data than the development community which, it is argued, is more content to rest on national averages. Common to proponents of indicators is a faith in the magic of numbers. Once a number has been nailed down, it focuses attention on the tasks needed to reach the state indicated by the number instead of investigating the reasoning behind the stipulation of the specific number. It tends to overshadow the many qualitative judgments that lie behind the selection of a given indicator and the problems of validity inherent in converting a concept to a measure. For a human rights-based approach, a careful analysis of root causes of vulnerability must in any case precede the design of appropriate indicators and questions of validity should always be at the forefront of considerations. Does the indicator adequately capture the concept or idea it is meant to capture? Indicators are indications of something (else) and it is the something else that should be at the centre of analysis.

Policy recommendation: Qualitative analysis should always be important to the human rights-based approach. Indicators may be used to the extent they are helpful and appropriate. Institutions charged with advancing the knowledge base, in particular bureaus of statistics, should be strengthened and to the extent possible integrated in project interventions. Data collection should be aligned to the objectives of the project, with a view to providing disaggregated data on target groups.

Indicators and project management:

Indicators have also come to assume a key role in project management. As organizations are turning to formulating medium and long-term strategies for their work and objectives, output indicators are no longer regarded as being up to this task. It is no longer sufficient to list the specific outputs of a project.

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These outputs are now seen as contributing factors in producing outcomes, so indicators have to capture outcomes, which by definition stretch beyond the duration of the project. Projects have to make credible predictions about the future, usually formulated as quantitative targets over a medium time frame. However, the more into the future these predictions stretch, the less sure they become and the more haphazard the reasoning behind them. They tend to be mechanistic exercises largely devoid of the sort of qualitative judgments that take adequate account of all the environmental factors that may impinge on projected outcomes.

Nonetheless, both donors and organizations are insisting on devising strategic frameworks for a medium term of five years or even beyond. This is aligned with the movement towards results-based management, spurred by both donors and organizations in order to justify their use of public resources. Results are conceived as producing tangible outcomes and management is geared to assuring that these outcomes are achievable by formulating strategic objectives and devising indictors that measure progress towards these outcomes. In this manner, management appears more aware, more orderly, more in control than if it were only focused on achieving short-term goals. However, to be in a position to reach the strategic objectives, the organization does not only need to have a predictable environment, but also a predictable resource situation over the same time frame, which is rarely assured.

Policy recommendation: Achieving changes through a human rights-based approach may require a longer time horizon than what is usually given in a project framework. Focusing on tangible outcomes through specified targets, though understandable, may come at the expense of deeper institutional changes in legislation and policy-making.

Mainstreaming vs. targeting:

Mainstreaming is a way of handling so-called cross-cutting issues in development aid policy. Cross-cutting issues are issues of high general importance and should inform and suffuse the design and implementation of project interventions, to the extent applicable. Donors think of cross-cutting issues as human rights, gender equality, environment, HIV/AIDS, disability and so on. While these may be seen as generally subsumed under the human rights umbrella, donors tend to think about these issues as separate concerns. The point is that interventions should seek to promote these cross-cutting issues and at any rate not do anything that may harm or have any adverse effect on these issues. Project managers have to keep these in mind in designing interventions and make an assessment of how relevant these issues are to the specific project intervention.

Targeting, on the other hand, is a type of intervention whereby specific benefits are designed for specific categories or groups. These may include measures that seek to counter discrimination and neglect or low access to public services and utilities. As the term itself indicates, these benefits are not meant to cover the population at large, primarily because doing so may very well exceed the amount of resources available. A criterion of selection has to be at hand which may be disadvantage, socially and economically or geographically. The project may be conceived as a pilot or a model, in which an intervention is tested out in one location to be replicated or scaled up in other locations. Resources may not permit large-scale interventions so projects tend to be highly localized and the lessons learnt provide the experience that can be utilized for further interventions. The evidence and criteria for designing interventions and selecting localities should be based on a solid human rights assessment.

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From the administrative point of view, targeting is situated at a lower level of ambition than mainstreaming. As it does not engage the entire governmental apparatus, it can be more easily implemented. Targeting seeks to produce short-term results that can be fed into longer-term processes while mainstreaming aims at larger, institutional changes.

It should be emphasized that one does not exclude the other. Mainstreaming without targeting may be a pretext for doing nothing. If policy concerns cannot be turned into tangible activities, then not much has been achieved. On the other hand, targeting without mainstreaming may yield a lot of short-term results, but without an underlying strategy, a lack of direction may be the result and disparity, rather than focus, the ultimate outcome. However, mainstreaming is more resource consuming than targeting and hence more costly and to some extent more risky if the purpose is to achieve tangible results.

Policy recommendation: Mainstreaming is a means of making human rights and other concerns an issue that should be considered in all government decisions and across government ministries whereas targeting aims to produce direct benefits for specified groups. Each method has its advantages and disadvantages and requires different kinds of expertise. They should be considered as complementary rather than mutually exclusive and the choice of either should be made with careful consideration of the resource requirements of each.

Sequencing of strategies: Upstream vs. downstream

This pair of concepts overlaps to some degree with the former, but not quite. Mainstreaming usually encompasses both, while targeting is usually associated with downstream activities. Upstream activities signify strategies and initiatives for effecting institutional changes. These strategies may be mainstreamed or they may not. Upstream usually signifies a longer time-horizon than downstream. The purpose is often to create or encourage a so-called enabling environment, usually meaning advocacy and lobbying for legislative or policy changes which, it is assumed, will pave the ground for more effective downstream activities later on.

The main issue is one of sequencing: is an enabling environment a prerequisite for more effective downstream activities or can downstream activities generate an environment for pushing for legislative and policy changes at the national level? The crucial point here is time. Institutional changes can take years, possibly decades, and the question is whether donors and agencies have the patience and stamina to wait and to push for results over such a long time horizon. This requires a presence that goes beyond the time-bound nature of projects and may further require other types of competence and expertise than that associated with project management. With rapid turnover and time-limited assignments for project staff, there is the risk that a new assignment is beckoning somewhere else by the time staff have acquired a reasonably intimate knowledge of the political and economic environment of the project. Not only institutional presence is required, but also an institutional memory, which, however, cannot be taken for granted.

Policy recommendation: It is recommended to coordinate upstream and downstream activities. Too much focus on downstream may put the cart before the horse. Interventions need to be grounded in policy papers and plans of action to give a clear sense of direction and if government capacity for action needs to be strengthened, this should be a first priority.

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State vs. civil society:

Donors have a choice of modalities through which to channel their resources. Civil society organizations (CSOs) are often preferred because they are perceived to be quicker, more effective, less bureaucratic and more flexible. This view is very much aligned with neo-liberalist ideas, which have assumed a high standing in development aid policy over the last three decades. Whether there is a strong evidentiary basis for this view is another matter. States, on the other hand, are assumed to have the opposite characteristics. Generally, the private sector, including enterprises as well as CSOs, is seen to be more effective and efficient than the public sector and resources will be put to better use if they are channeled through civil society organizations.

Against this view it is held that civil society cannot substitute for the state, that certain tasks belong to the public sector and that results are not likely to be sustainable if the state is not capable of taking over and committing resources towards sustaining the results obtained. The strength of these divergent beliefs tends to vary over time and as of present, there seems to be a swing back towards the state as the main agent in inducing the right changes as seen from the perspective of the human rights-based approach. As the state is the main duty-bearer, capacity needs to be strengthened, particularly when it comes to enforcement and implementation.

The main argument to be made here is that none of these beliefs is entirely correct or entirely wrong. Which way it tilts is strongly dependent on the choice of time horizon and, it should be added, on the robustness of the state itself. Another consideration is that civil society organizations are more than service providers. They also keep a check on the commissions and omissions of the state, on the extent of the accountability of the state to its popular constituency. The watchdog function of human rights CSOs may make them less popular with states than service-oriented CSOs whose mandates are oriented towards downstream activities. As long as they can assume the development mantle, then they are more liable to be tolerated by the state than if they act as a watchdog and a source of critique. However, this critical function is entirely legitimate and should be encouraged or even protected.

Policy recommendation: Civil society organizations should be seen as complementary to state action to protect and promote human rights. However, their watchdog functions, whether complementary or critical, should be encouraged and supported. The objective should be creating an environment whereby the state and the CSOs work jointly towards the same objectives, but without CSOs becoming fully co-opted.

Capacity building:

The human rights community tends to conceive of change largely in the legal terms of entitlements. Rights-holders have to be made aware of their entitlements and governments as duty-bearers have to be persuaded to ratify international treaties and to ensure compliance with them. This approach might be seen as very much a top-down affair with norms promulgated at the international level and with international agencies, often in combination with international and domestic NGOs, exerting soft pressure on governments to comply.

States may ratify international treaties and standards for a number of reasons, one of which might be to be in good standing with other states and the international community in general. This may contradict its actual capability to put these treaties into practice.

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Problems may range from lack of competence to report on its obligations to lack of officials to make policy and design proper interventions. Government commitment has to go from the formal legal to the practical operational. Ratifying treaties may turn out to be formal exercises without operational follow-up. Hence an important job for advocates of a human rights approach is to link human rights obligations to development practice, to assist in translating obligations into policies and actions. The conclusions and recommendations of the monitoring bodies can be a useful source towards identifying priority areas and mobilising resources for action. CSOs should be seen as complementary agencies in this regard, filling in resource gaps, but never substituting for obligatory action by the state.

Policy recommendation: In order to link human rights to development action, better use could be made of the conclusions and recommendations of the human rights monitoring bodies, including the Universal Periodic Review of the UN Human Rights Council, for identifying priorities and mobilising resources. This will require from donors finding the right balance between the persistent long-term engagement needed to effect institutional changes and the impatience for achieving results undergirding time-bound project interventions.

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