



Graduate School of Development Studies

Rights-Based Approaches: an 'inward look'

Exploring how contextual and organizational factors affect understandings of rights-based approaches inside a northern NGO: the case of Oxfam-Novib

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Sophie Conin

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Members of the examining committee:

Mrs. Helen Hintjens

Mrs. Karin Arts

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Inquiries:

Postal address: Institute of Social Studies
 P.O. Box 29776
 2502 LT The Hague
 The Netherlands

Location: Kortenaerkade 12
 2518 AX The Hague
 The Netherlands

Telephone: +31 70 426 0460

Fax: +31 70 426 0799

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List of Acronyms

| | |
|----------|---|
| CP(R) | Civil and Political (Rights) |
| CSO | Civil Society Organization |
| ESC(R) | Economic, Social and Cultural (Rights) |
| GNP | Gross National Product |
| HR | Human Rights |
| HRBA(s) | Human Rights-Based Approach(es) |
| NGO | Non-Governmental Organization |
| ODA | Official Development Assistance |
| PANEL | Participation, Accountability, Non-discrimination, Empowerment/Equity, Law |
| PO(s) | Programme Officers |
| Q&C | Quality and Control (department) |
| R&D | Research and Development (department) |
| RBA(s) | Rights-Based Approach(es) |
| SMS | Single Management System |
| UN | United Nations |
| UNDP | United Nations Development Programme |
| UNICEF | United Nations International Children' Emergency Fund |
| UN-OHCHR | United Nations Office of the High Commissioner for Human Rights |

Abstract

Whether they refer to it as Human Rights-Based Approach (HRBA) or Rights-Based Approach (RBA) the vast majority of development actors in 'the north' in the last 10 to 15 years has officially adopted such an approach to development. Oxfam-Novib has its official stance on rights-based approach and very few both inside and outside the organization doubt its commitment to this approach. Yet, many factors both internal and external to the organization influence the understanding and operationalisation of RBA by its staff. This research identifies the presence of various types of RBAs among staff, which while they are not mutually exclusive, can be seen as conflicting: visionary, pragmatic, Oxfam-aims-related, experienced versus inexperienced and intuitive. This study shows that such factors as resources, accountability, hierarchy and politics have a significant influence in constructing these different 'versions' of RBA. The author believes that perhaps these are too often underestimated as obstacles in implementing and internalising RBAs within northern NGOs, and in this case Oxfam-Novib. The paper reflects on whether a northern NGO can in fact realise its pledge to rights-based development or whether elements of its implementation are too contradictory to inherent intents of RBAs, particularly within the current operating climate of northern NGOs.

Relevance to Development Studies

Human Rights have become increasingly important in development discourse and work and Human Rights-Based Approaches nowadays form the normative framework for much of development work. Too often, though, research in development studies, particularly assessments of these approaches has been focused on what they mean for organizations and people in 'the south'. Yet many stakeholders are involved in 'development', not least of which are development actors in 'the north', particularly NGOs. Hence, to genuinely understand and appreciate the challenges of rights-based development, one needs to explore as much what it means for people and NGOs in 'the north' and what factors are influencing this perception in the current operating context. This is what this study proposes to do.

Keywords

Human Rights-Based Approaches, Rights-Based Approaches, northern NGOs, Oxfam-International, Oxfam-Novib, operating climate, organizational structure, organizational culture, accountability, duty-holders, limited resources, (human) rights.

**To the ones
Staring at the sun,
Afraid of what you'd find
If you took a look inside
(Staring at the sun, U2 1997)**

**The challenge is as much that of pragmatics as of principle, and is one of aligning human rights principles with the everyday procedures and practices of development agencies, whether methodological, programmatic or evaluative, in ways that can embed them in the work that international development agencies do.
(Cornwall, A. and Nyamu-Musembi 2005: 15)**

Chapter 1 Introduction to the Problem

Whether they refer to it as Human Rights-Based Approaches (HRBAs) or Rights-Based Approaches (RBAs) many 'aid actors' in the past 10 to 15 years have officially adopted some sort of rights-based framework to development. Some did this as a reaction to the lack of success of all other methods to deliver what they had promised. Others chose such an approach because basing their work on such principles seemed to go further and deeper than other possible alternatives.

Nevertheless, there has been little agreement – and no consensus - on what such approaches entail, and they remain open to interpretation, both institutionally and personally. There is thus not one single approach but a great variety of approaches, and the human rights framework can be read in different ways. It is partly this flexibility that fuels arguments among the 'non-converted' about what is meant by a human rights-based approaches to development policy and practice. Doubts centre on how the development community can claim they are doing the same things, if they do not even agree on what (H)RBAs mean to them. Some view the definition and operationalisation of (H)RBAs – based on such principles as non-discrimination, participation and indivisibility of rights, as an inherent contradiction within the current context of most results-oriented Non-Governmental Organization (NGO) work (Clark 1991, Frankovits 2006, Munro 2009, Uvin 2004).

As the first criticisms of RBAs were heard, the first cracks appeared, and some organizations either turned their backs on (H)RBAs or did not adopt them at all. Action Aid MS Denmark, for instance, has instead based its work on concepts of justice and solidarity. Christian Aid frames its action in terms of 'poverty eradication' and 'social justice', related but less specific goals than (H)RBAs implies (Harris-Curtis et al. 2005: 16-17)¹. One of the fears is that (H)RBA has become a development buzzword, loaded with (and therefore possibly stripped of) meanings and saddled with too many unrealistic expectations. The history of the concept of gender arguably shows us how such concepts can be interpreted, misused and then tweaked and adapted until they mean many different things to different agencies and people (Smyth 2007). Whether something similar has happened to the (human) rights-based approach is not yet clear.

Are (H)RBAs the 'flavour of the month', or just a passing fad that runs into problems once operationalising it becomes an issue? Are expectations of (H)RBAs too high and are contextual and operational challenges sometimes underestimated? This research does not answer meta-level questions like these, but confines itself to consider in some detail how (H)RBAs are viewed, perceived and experienced within a single northern NGO, namely Oxfam-Novib². This study asks what

¹ Also www.christianaid.org.uk and www.ms.dk, accessed 23-09-09

² Terminology remains problematic here, nevertheless throughout this paper, I will refer to 'northern NGOs' for NGOs based in the 'global north', the industrialised states, which main concern is to raise funds and support work in the 'global south' ('developing' countries).

(H)RBAs mean for this northern NGO and how those inside the organization perceive RBAs both in principle and in practice.

This paper does not directly study the effectiveness or impacts of (H)RBAs in terms of programme results in the field, therefore. In part, this research follows Susan Georges' advice to '*study the rich and the powerful, not the poor and the powerless*' (1986: 289), and it considers how development actors located in the north use (H)RBAs - or even fail to use them. The question asked is in what ways understandings of RBAs are influenced by organizational and operational factors inside the NGO or by the wider 'development climate'. To examine this question research and fieldwork were combined with a six-month internship at Oxfam-Novib, working in the Research and Development department (R&D). Among other things, R&D is responsible for defining, explaining and mainstreaming RBA inside Oxfam-Novib. This internship made it possible to examine in what ways RBA is accepted –perhaps even taken for granted – or rejected - as integral to the wider organizational culture of Oxfam-Novib (Pratt 2003). The focus was on the implication for this northern NGO of adopting (H)RBAs and seeking to mainstream them in daily policy work and practical guidelines.

The study acknowledges that NGOs are structures that operate within wider 'development' systems. NGOs' core business is conducted – or performed - by people who operate as social actors in their own right. Their room for manoeuvre may be constrained by various priorities (as we shall see) but their decisions influence outcomes and this in turn changes, the characteristics of the structures within which they act (Hilhorst 2003: 5).

This paper thus focuses on how concerns with knowledge, resources, status, function and politics influence the adoption (or non-adoption) of RBA inside Oxfam-Novib. The starting point was an intuition that certain reflexive practices and institutional processes within NGOs are often underestimated as obstacles to operationalising (H)RBAs in practice. By selecting this single organization, it becomes manageable to consider both the realities of those who work there and the internal and external factors affecting its operations.

Chapter 2 Methodological Design

2.1 Preliminary remarks

Partly by choice, and partly by chance, this study is grounded in an organizational ethnography of Oxfam-Novib, Dutch member of Oxfam-International. Northern NGOs are interesting, complex due to their relations with multiple stakeholders and increasingly crucial actors in development. Yet, organizational ethnography of development NGOs has happened too rarely, even though it is clear that: *'ethnographic research can provide policymakers and aid managers with valuable reflective insights into the operations and effectiveness of international development'* (Lewis and Mosse 2006: 1). One sign of the times is the number of publications criticising the 'aid industry', such as *Dead Aid* (Moyo 2009) or *With Friends Like These* (Polman 2008), which have stirred up debate and controversy, at least in Europe and the United-States. Often, such publications investigate aid and poverty issues, studying the bigger picture and proposing broad, sometimes drastic solutions. Even where these studies are embedded in closer understandings of the daily routines of development work, this is rarely in the north. Provoking and advancing critiques of the 'development industry' may sell more books. But to genuinely understand development work and to appreciate the challenges of 'doing development' is a less glamorous, but equally important task. Development experts however, have rarely offered outsiders a 'view from the NGO kitchen'³.

Oxfam-Novib was selected by choice, as one of the oldest NGOs in the Netherlands and one of the first Dutch NGOs to officially adopt a Rights-Based Approach. The views of those who work inside Oxfam-Novib are of considerable interest to anyone who wants Oxfam-Novib is not taken as 'typical', however, being studied for what it can tell about wider patterns and trends that may affect other NGOs grappling with the implications of (H)RBAs in their daily work in 'the north'. After all:

gauging why and how these organizations come about and operate in the context of local and global developments requires studying their everyday practices (Hilhorst 2003: 5).

³ Recent publications include accounts written by insiders – who after leaving have analysed their own experiences. Some examples include Peter Griffiths' *The Economist's Tale* (2003) and John Perkins' *Confessions of an Economic Hit Man* (2004), which both reveal seedier sides of World Bank lending operations. More recently Zoe Marriage has done something similar for DFID, from more of an 'outsider' perspective (Marriage, 2008). NGOs themselves have less often been the focus of such writings (Hilhorst 2003: 2) although articles and collected volumes of 'Development in Practice' and 'Gender and Development', two journals by Oxfam sometimes include these.

In part, how this study has been conducted has also been by chance. This topic was researched at a challenging – but also exciting - time for Oxfam-Novib. As one of 14 international members of the Oxfam family, in 2009, the NGO was under both internal and external pressure to show ‘results’, especially to funders like the Ministry of Foreign Affairs of The Netherlands. Oxfam-Novib is well known and has a strong reputation in the development community worldwide (Ball 2005, Clark 1991, Harris-Curtis et al. 2005, Uvin 2004). Arguably the Dutch government benefits indirectly from funding an NGO with this amount of goodwill worldwide. Even the best ‘reputation’ – however - can be hard to turn into ‘achievements’ and measurable ‘results’. At the time of the research a considerable decrease in Oxfam-Novib’s subsidy from the Dutch government was expected. Within the Oxfam family, also, activities were to be streamlined in an effort to become ‘more efficient’. These internal and external changes were felt in quite a major shift in policies and priorities inside Oxfam-Novib, impacting both the organization’s structure and staff members’ work. The most visible impact for the researcher was on Oxfam-Novib employees⁴.

These circumstances increased rather than reduced the relevance of this study. However, conducting research in an ‘uncertain’ environment, where the parameters of funding and employment are insecure, poses problems. In a crisis, or near-crisis situation, changes can happen fast. As the internship proceeded, decisions were made daily with potentially important consequences for the work and professional assessment of people I engaged with. This uncertain environment influences what people are willing or able to discuss with a ‘semi-insider’. In July 2009, as research began, many of the 300 or so employees in Oxfam-Novib in The Hague were involved in the process of drafting the organization’s new strategic plan and the subsidy request to the Dutch government. Staff was occupied with clarifying Oxfam-Novib’s position for ‘external consumption’, summoning up evidence of the NGO’s specific strengths and perhaps underplaying the usual self-reflective process of examining their internal weaknesses. In relation to getting staff to reflect on strengths and weaknesses of RBAs for their work inside Oxfam-Novib, the atmosphere was perhaps more difficult and tense than it might otherwise have been. Even so, the question arose as to whether genuinely operationalising RBAs within Oxfam-Novib might even help to strengthen elements of the strategic plan. In this way, the research might even contribute positively to securing as much commitment to future funding from the main donor – the Ministry of Foreign Affairs – as possible.

Oxfam-Novib’s Research and Development department (R&D) is responsible for providing content for the strategic plan and the Dutch government subsidy request. These roles became ever more evident towards the end of the research, and took up most of R&D’s staff time and energy. R&D also leads the drawing-up of position papers and policies on RBAs, and for the past 5 years,

⁴ Although this was not yet clearly visible, the most dramatic impact will undoubtedly be on the ‘end users’ of Oxfam-Novib funds – the partner organizations in developing countries.

took responsibility for learning and internalisation of RBAs within Oxfam-Novib⁵. R&D became my host department, and was both my base for conducting research, and my employer for a period of five months. As an intern, I was tasked with assessing the status of knowledge and implementation of RBAs within Oxfam-Novib, producing a position paper on RBA as well as a rollout plan to further mainstream this approach. In the second place, I was a researcher who was studying challenges and opportunities for staff to make use of RBAs inside Oxfam-Novib. I relied heavily on Oxfam-Novib staff to share office space, information and insights with me. Fortunately, as an intern, it was often possible for me to discuss complex issues more candidly than as an outsider. Despite prevailing uncertainty, I had a certain level of trust as someone committed to the good of the organization. This proved invaluable in getting people to speak quite frankly about their views on RBAs.

2.2 Research questions

From the starting intuition that there must be more to operationalising (H)RBAs than meets the eye, this research aims at addressing one central exploratory question:

- How do contextual and organizational factors impact understandings of rights-based approaches to development within a northern NGO, taking the example of Oxfam-Novib?

In order to answer this question, the following sub-questions are investigated:

- What are the key current definitions of and debates around (H)RBAs?
- What is the operating context of Oxfam-Novib - and how do they relate to (H)RBAs?
- How do people working with RBAs within Oxfam-Novib perceive and understand this approaches?
- What factors influence and challenge the perceptions and understandings of Rights-Based Approaches that can be found within Oxfam-Novib?

The paper closes with a reflection on mainstreaming of (H)RBAs within the wider context of northern development actors, and whilst not suggesting answers, at least explores how (H)RBAs can be reconciled (without losing their purpose) with the increasingly tough operating climate and *modus operandi* of a northern NGO.

⁵ Policy papers were produced by this department on RBAs as early as 2000, and it has designed, led and organised the RBA Learning Trajectory (described in Appendix VII) since 2007.

2.3 Methodology

Grounded in an ‘organizational ethnography’ of Oxfam-Novib and adopting an ‘actor-oriented’ angle (Long and Long 1992), the research considers this NGO in terms of both its organizational structures and its daily, lived realities of open-ended processes (Hilhorst 2003: 4). The study draws on a number of data sources: official texts and informal correspondence; consultations with two key informants; ongoing conversations with staff and work-related meetings; and formal interviews. These sources were supplemented by an active role as participatory observer during daily work in the office. Following completion of this paper, an on-line survey is scheduled to follow-up on some of the initial findings.

2.4 Methods

Five weeks were used to observe the organization and become more familiar with its structure and operations. The early stages of the research process involved acquiring information through written documents, informal and official, complemented by in-depth discussions with the two key informants, both located or recently located in the R&D department. The first became responsible for RBA policy and implementation in January 2009. The second had held this post for 8 years prior to this date, having studied and worked on rights and development since 1995. This initial stage also involved gathering information from policy document and existing literature on (H)RBAs in the work of other Oxfams, other NGOs and among United Nations (UN) agencies, as a background for this study. Later, background evidence on the impacts of rights-based approaches on Oxfam-Novib’s project work in the south was also considered (Brouwer and Pena 2006).

During the second part of the research process, key respondents representing a wide range of departments and experiences with RBA were identified and interviewed. Altogether, 14 semi-structured interviews were conducted over two months, most being recorded (*see Appendix I – List of interviewees*). Internal Oxfam meetings, brainstorming sessions, staff discussions on ongoing projects and documents being developed for discussion and policy also provided crucial information at this second stage of the research.

Table 1. Overview of interviews

| | |
|-----------------------|--|
| Number of respondents | 14 (one double interview) |
| On the phone | 1 |
| In person | 13 |
| Oxfam-Novib | 13 |
| Others | 1 |
| Only noted | 4 |
| Noted and recorded | 10 |
| Men | 6 |
| Women | 8 |
| Function | 6 programme officers 1 staff bureau Quality &Control (Q&C) 2 marketing/fundraising (double interview) 1 Oxfam America 1 popular campaigns 3 lobbyists |

2.5 Tools

The guidelines for the semi-structured interviews (*Appendix II*) were designed so as to understand each interviewee's perception of RBA, but also to leave room for any other related experience or information the informant might see fit to include. This meant that not all interviewees were asked exactly the same questions and the interviews did not follow a standard pre-set path. These interviews were then analysed through means of (manual) coding (*See Appendix III*). Official documents were distilled in a similar way, as well as some internal 'grey' literature in the form of minutes, documents, reports and presentations.

2.6 Limitations of the research

Practical limitations

This study does not provide an in-depth analysis of the whole Oxfam-Novib organization, nor does it look at implementation of 'RBAs in the field'. There are also many processes and views that could have been considered, but were not for reasons of time and availability. This study however does give relatively in-depth insights – at a particular moment in time – into the implications of adopting a Rights-based approach inside Oxfam-Novib. It also shows how the current operating context of this NGO influences its operationalisation of RBA. What emerge are diverse angles on Right-based ideas and practices within the organization and its work. The study can at most illustrate some of the challenges and potential opportunities, which northern NGOs face when adopting RBAs, particularly in their internal operations. Starting from the principles that NGOs are not a uniform group of organizations and that each NGO is also not internally homogenous, the findings to questions of mainstreaming (H)RBAs in the development activities of northern NGOs cannot be generalised. Even so, it is hoped that by taking a single example, one where 'good practice' is relatively widely acknowledged in the development field, some overarching questions of how to 'do RBA' within northern NGOs can at least be explored (Harris-Curtis et al. 2005, Munro 2009, Namu-Musembi and Cornwall 2004). Whilst the issues raised are specific to Oxfam-Novib at a point in time, some of the problems the organization and its staff face may be of relevance, in a different way, in other contexts.

Positionality of the researcher

Research ethics

A particular risk during this six month-research pertained to the dual role of intern and researcher. Being seen as 'a colleague', an insider and accepted as such was vital to lend credibility to my input and recommendation on Oxfam-Novib's policy and implementation of RBA. On the other hand, there is a need to remain an outsider and keep a distance with the object of the research. Either because of my knowledge of (H)RBAs or my function within R&D, I was expected to have an opinion and often was asked about it. I had to make a split second decision on whether and how to respond. While the decision at the time seemed a normal, perhaps 'reflex-like' one, in these '*ethically important moments (...) the approach taken or the decision made has important ethical ramifications*' (Guillemin and Gillam 2004: 265).

Honesty forces to admit that very few of these interviews were not tainted by previous knowledge or personal opinions of the researcher on the issue at hand.

Issues of hierarchy and language

Interviews were conducted at various levels of the organization. While this resulted in a broader understanding of Oxfam-Novib, it also emphasized issues of power and hierarchical relations. These relations, and perhaps even more so in this time of uncertainty, certainly influence which information is given and how it is communicated. Both the researcher and the informant have prerogatives in choosing what information is being sought, what is being disclosed and how (Woodhouse 2007: 159). Reflecting on and being sensitive to 'the invisible' or 'the unsaid' at all time, particularly during meetings or interviews is essential in order to be cautious and prevent hasty conclusions.

Finally, researching in such an international environment and in up to three languages was a potential problem. Most interviews were conducted in Dutch with Dutch respondents and in English with non-Dutch ones; one of them was conducted in French, which while it is my mother tongue was not that of the respondent. The possible consequences of this linguistic challenge are difficult to pinpoint, however the reader should take them into consideration. On this note, all the quotations from these interviews as well as citations from non-English documents were translated for the purpose of this paper by the author.

Chapter 3 Current debates and landscape of (Human) Rights-Based Approaches

Following some preliminary remarks on semantics, this chapter helps justifying the central question of this research - to examine the operationalisation of RBA within a northern NGO - by reviewing some recent publications on (H)RBAs, highlighting critical current debates. It then contextualises the topic by reviewing the stances on (H)RBA's of various agencies and organizations influential to Oxfam-Novib. Finally, it exposes Oxfam-Novib's official view on RBA.

3.1 (Human) Rights-Based Approach(es): what's in a name?

It is intriguing how the words (Human) Rights-Based Approach(es), and by extension the abbreviations HRBA(s) or RBA(s), already seem to have acquired the status of 'development buzzwords' (Cornwall, Andrea 2007). The first thing that needs clarification, is the names and abbreviations themselves. Words do matter, since they shape the world *'probing the concepts we use is [thus] a first step to challenging ourselves about the way we think'* (Hughes et al. 2005).

Efforts to deconstruct (H)RBAs as a catchy phrase, led to the finding that there is no recognised (Human) Rights-Based Approach in the singular. Instead a multitude of 'approaches' can be identified (Hickey and Mitlin 2009: 209). This implies that an (H)RBA means different things to different actors, institutions and in different settings. No 'essential' form of (H)RBA exists, even if it is widely acknowledged that there are some broad parameters within which all (H)RBAs should fall (Brouwer and Pena 2006, Frankovits 2006, Harris-Curtis et al. 2005, UN-OHCHR 2006, UNDG 2003, UNDP 2006a). Organizations and people wanting to adopt such a broad set of approaches therefore first need to define what they understand by them. A wide array of development actors (governments, UN agencies, NGOs) agree that (H)RBAs are desirable, can be effective and can help promote more sustainable, participatory and equitable forms of development, nevertheless, their definitions of these approaches can vary quite drastically, as we will see below (ActionAid 2008, Offenheiser and Holcombe 2003, Oxfam International 2001, UN-OHCHR 2006).

Secondly, both names - Human Rights-Based Approaches and Rights-Based Approaches - are used, sometimes interchangeably (ActionAid 2008), whereas at other times a clear distinction is made in favour of one or the other. The UN for example consistently uses the term 'Human Rights-Based Approach' (HRBA) as for this organization, the approaches lean on Human Rights (HR) and HR instruments (see all UN documentation, among which UN-OHCHR 2006). Within Oxfam, however, it was felt that solely using the Human Rights framework was too limiting. Other international and national legal instruments were also seen as crucial, and so the choice was made to work according to a 'Rights-Based

Approach', one that Oxfam-Novib itself would define⁶. This paper therefore refers to (H)RBAs when discussing the general context, while using HRBAs in the context of the UN and RBAs in the context of Oxfam-Novib. Both are mainly used in the plural to emphasise their different forms, the main exception being that RBA in the singular is used to refer to the official view inside Oxfam.

3.2 Literature and current debates on (H)RBAs

The emergence of (H)RBAs in development was quite gradual, and has different roots in participatory, people-centred and legal approaches to development. Several edited volumes (Gready and Ensor 2005, Hickey and Mitlin 2009, Miller et al. 2005) provide good overviews of how rights emerged as a key issue in development. Reportedly during the 1980's and 1990's, rights visibly became a central normative framework of development work, more overtly so in the late 90's and at the early turn of this century (Hickey and Mitlin 2009: 6, Uvin 2002: 1). Within the last decade, (human) rights-based approaches (whether they were called that or not) were slowly implemented, and started to be evaluated in terms of their potentials and limitations to contribute to development, including in:

- manuals on how (H)RBAs can best be implemented in 'the south' or how their impact on the 'end beneficiaries' can be measured (Mokhiber 2001, UNDP 2006a, 2006b),
- collections of 'best practices' and RBA implementation case studies from the south (to name a few: Brouwer et al. 2005, Brouwer and Pena 2006, Duni et al. in Hickey and Mitlin 2009, Williams, Musyoki and Nyamu-Musembi, Navarro in Pettit et al. 2005)
- wider reflections on the role and limitations of using (H)RBAs for development (De Gaay Fortman 2000, Gready 2008, Hickey and Mitlin 2009, Miller et al. 2005, Pratt 2003).

Seemingly less numerous, but increasingly in recent years, some articles turn their attention to what adopting an (H)RBA means for UN agencies (Frankovits 2006), for NGOs (Gready 2008, Munro 2009, Pettit et al. 2005), and in some cases for northern NGOs (Harris-Curtis et al. 2005, Namu-Musembi and Cornwall 2004, Offenheiser and Holcombe 2003). Organizations and academics alike realise that if one accept the principles on which RBAs are based, rely on these to evaluate and report the progress of NGOs' work and even use them to assess potential partnerships, there is a strong argument for a deeper and more critical self-assessment. This literature cannot be reviewed in full, but forms the backdrop for this study of RBA implementation in one northern NGO.

Current debates seem to be organised around six interwoven themes, each of which is now explored in turn.

⁶ More detailed analysis of HRBA versus RBA in (Namu-Musembi and Cornwall 2004: 12-14)

Grounding development work in the law

Proponents of (H)RBAs argue that grounding development work within the framework of the law shifts its nature from charity (meeting poor people's needs because one wants to) to questions of duty and obligation, especially of states. As duty-bearers, states, as well as corporations and development agencies have legal obligations to realise certain rights of 'rights-holders' who must be empowered to claim these.

The value-added of RBAs can be sought through direct applications of the law, but more particularly through indirect and strategic uses of the law (Gready 2008: 740).

and

The ideals of participation, equality, accountability and transparency – embraced by many humanitarian and development actors as best practice – from a rights-based perspective become mandatory instead of optional (Jones cited in Ball 2005: 289).

Some are more sceptical of what using law can achieve in an inherently unequal system where the rights of the poor and the rights of the rich often clash (Gledhill 2009). Others suggest that rights can be '*linked to neoliberal regimes as well as to more progressive projects of social transformation*' (Hickey and Mitlin 2009: 226). Questions also arise about whether (H)RBAs can genuinely tackle issues of development or whether their adoption is mainly rhetorical (Uvin 2002). Finally, there are doubts whether rigorous processes involved in rights-based approaches can be reconciled with the more pragmatic development practices of many NGOs, especially in the north (Archer 2009).

Re-affirming the interdependence and indivisibility of rights

Partly due to the legacy of the Cold War, a split has long been perceived between Civil & Political Rights (CPR) and Economic, Social and Cultural Rights (ESCR). This has translated into a division between those that mainly act as 'human rights defenders', like Human Rights Watch (HRW) or Amnesty International (AI) who pay attention to ESCR violations only when they result from violations of CPR⁷; and on the other hand, development agencies and NGOs whose work was mainly based on service delivery and have shown less concern with CPR. Some authors contend that applying an (H)RBA to development reduces these traditional divisions.

A violations approach, implemented as part of a move to an RBA, would undermine much of the acquiescence with ESC and CP rights violation that currently prevails in the development business (Uvin 2004: 147).

Ball concurs in that '*a rights-based approach emphasizes civil and political rights, some of which mirror the development ideal of empowerment*' (Ball 2005: 278). To illustrate that a

⁷ HRW website, cited in (Uvin 2004: 148)

shift is happening, and that it goes two-ways, in October 2009, AI launched a new campaign that focuses on ESC Rights⁸. This change however has only just begun and may be slow and difficult (Offenheiser and Holcombe 2003: 296).

Re-politicizing development

Many authors agree that (H)RBAs to development can re-politicize development discourses, policies and work 'on the ground' (Gready 2008, Hickey and Mitlin 2009, Uvin 2004). As Nyamu-Musembi and Cornwall express it:

Whereas a needs-based approach focuses on securing additional resources for delivery of services to marginalised groups, a rights-based approach calls for existing resources to be shared more equally...assisting the marginalised people to assert their rights to those resources, thus making the process explicitly political (2004: 2).

There are nevertheless discussions regarding whether development actors can take the political stands necessary to realise this potential offered by (H)RBAs (Theis and O'Kane cited in Ball 2005: 283), or whether development then becomes too political or not political enough (Ball 2005: 282). Relationships of NGOs with states can be at stake here, in a system where NGOs very often depend on states to be able to function.

Challenges brought by increased accountability

As (H)RBAs define 'duty-bearers' whose obligations are to realise rights, the concerns to hold them accountable is central. Current discussions cover the difficulty of holding more traditional duty-bearers (like the state) accountable and the remedies in place for this. In this paper, questions are also raised about accountability of NGOs themselves. By the nature of their work, they are accountable to multiple stakeholders, including some with conflicting interests (Offenheiser and Holcombe 2003: 288). NGOs' accountability to donors implies assessing, evaluating and reporting on their progress in a regular, often quantitative and short-term manner. (H)RBAs inherently aim for '*more than technical or quantifiable outcomes*', and often require '*political transformation*' (Gready and Ensor 2005: 23). Hence the dilemma arises of what can or should be measured and how new means of assessment can be created that are better adapted to show the benefits of (H)RBAs (Ball 2005: 293).

Within a wider interpretation of the social contract, NGOs can be considered duty-bearers themselves. If so, how can they be held accountable? (Ball 2005: 291,292) Should they be designing mechanisms to hold themselves accountable? In other words, how should

(...) accountability be redirected downwards to the constituencies with whom NGOs work, rather than being directed predominantly upwards to donors?" (Gready 2008: 741)

⁸ www.amnesty.nl, accessed 20-10-09

Changing the nature of development work

Tightly interlaced with the previous topics, is the question of whether adopting (H)RBAs is changing the nature of development work. (Human) rights have not always been included in the framework of development (Archer 2009) and many development agencies have traditionally adopted a position of neutrality and impartiality in their work. Many contend that (H)RBAs have indeed '*transformed the identity of self-proclaimed rights-based NGOs*' (O'brien 2005: 206). (H)RBAs offer NGOs a way to reframe, relocate and reposition themselves as development actors (Hickey and Mitlin 2009: 225,226). The question here is whether organizations seeking to use (H)RBAs can absorb the changes implied in this new nature of their work, given their organizational structure and culture. This brings us to the final point.

Organisational consequences for development agencies and NGOs

Many publications acknowledge that whether rights-based approaches can deliver the promise they offer depend on how development actors working with them interpret, internalise and operationalise them. Arguably,

(...) operationalising RBAs is taking most IGOs and NGOs beyond familiar territory and proven capacity; (...) organizational and institutional change, like development itself, is complex and slow [and] where funds and personnel are already stretched, these additional demands – spanning, training, organizational change, analysis, programming and evaluation – can spell overreach (Ball 2005: 281, 282)

Not long after officially adopting an RBA to its work, Oxfam America openly expressed what it thought would be needed to '*manage the organization for change*' (Offenheiser and Holcombe 2003: 295). From a changing role of leadership to capabilities of staff, this paper anticipated the challenges and opportunities for Oxfam organizations worldwide in adopting such an approach. Yet little academic research explores the relationships between contextual and organizational operating issues and the implications for NGOs' operationalisation of (H)RBAs. But the current operating climate of NGOs, given the macro-economic conjuncture, has probably exacerbated this situation making the difficulties in implementing (H)RBAs more obvious. These circumstances, however, do not render such approaches irrelevant; on the contrary, the crisis in development may underline the need to explore tensions in operationalising (H)RBAs so as to find possible solutions to these challenges.

Reviewing the literature on (H)RBAs shows an overall cautious optimism. Very few oppose these approaches, and most agree that they offer an array of ways to reframe development discourses and rethink development practices. Most publications underline areas of contention, particularly over how development actors working with (H)RBAs should interpret, implement and reflect on them. It therefore seems important to explore and compare official stances of development actors on (H)RBAs. It is possibly even more important to examine how contextual and organizational factors impact the mainstreaming of these approaches, as this research seeks to do for Oxfam-Novib.

3.3 Current landscape of (H)RBAs

Several development actors currently define the landscape of (H)RBAs to development for Oxfam-Novib: the UN, as one of its early adopters; the Dutch government, as Oxfam-Novib's main financial resource; and the Oxfam confederation. Below is a short analysis of these organizations' views on (H)RBA (*see also Appendix IV and V*). This overview of (H)RBAs landscape is the background which helps bring out what is distinctive and specific about Oxfam-Novib's Rights-Based Approach to development.

The United Nations and HRBAs

The UN agencies focus, definition and implementation of HRBAs has affected the whole development community, including governments and NGOs, at least since it adopted its Common Understanding in 2003 (UNDG 2003). This agreement proposes a set of broad, visionary view of HRBAs, devoid of any political content. While this policy document was meant to unify the UN agencies' position on this topic, interpretations of HRBAs within the UN remain diverse. Commonality in these views can be found in the principle of indivisibility of rights, and that rights-based work should concern *all* rights (CPR and ESCR). Furthermore, UN agencies are hesitant to explicitly recognise 'shifting power relations' as a means or an end to development, except for the UN-OHCHR. Finally, the closer to daily practice the agency, the more it anticipates operational challenges and the importance of issues of accountability, proposing as concrete solutions for these as possible. It seems to emerge that

Policy discourse generates mobilizing metaphors (...) whose vagueness, ambiguity and lack of conceptual precision is required to conceal ideological differences (...) during the 'implementation phase' all the diverse and contradictory interests that were enrolled in the framing of an ambiguous policy model and projects design, all the contests and contradictions that are embedded in policy texts are brought to life and replayed. (Mosse 2004: 663,664)

Another commonality, perhaps ironically, is in the fact that none of these agencies refer to themselves as 'duty-holders' or to their own obligation implied by their adoption of HRBAs. In this sense, this illustrates that

(...) the tendency of bilateral donors, many IGOs, and some NGOs to preach accountability to others while avoiding clear commitments themselves is a major, and increasingly untenable, area of hypocrisy within RBAs. (Gready 2008: 741)

Dutch Government, Development and Human Rights

As Oxfam-Novib's main source of funding, the Dutch government also influences this NGO's view on RBAs. Since at least a decade, through their policies and efforts in the field of development, the Netherlands government has sought to be actively involved in the realization of HR worldwide. And in the Ministry of Foreign Affairs' own words,

The Netherlands finds it important to link human rights and development and cooperation explicitly so that people in donor countries help people in developing countries to claim their rights and support the states to fulfil their human rights obligations⁹.

Interestingly, the reference to obligations seems to include solely other states' obligations, The Netherlands does not see it as an obligation but it '*finds it important*' that '*people in donor countries help*'. Although this is subject to interpretation, this author contends that the government of the Netherlands does not position itself as a duty-bearer in this statement.

Referring explicitly to rights-based approach in its policy 'Everybody's business', it emphasizes that it '*is at the core of development and cooperation and implicitly assumes the indivisibility of political and socio-economic rights*' (Dutch Ministry of Foreign Affairs 2008: 3), thereby adhering to the indivisibility of rights principles, as the UN and many other agencies do. This policy also emphasizes the importance of HR in development; it defines the orientations and goals for development and international cooperation up to and including 2011, including key themes and priority countries; and it encourages organizations to share HR as values and as a framework for their activities. Relevant for this paper is the hardly subtle pressure applied on organizations (hence particularly the ones it supports) to work with HR values and within the HR framework, as well as defining focus themes and countries. It might not be far-fetched to see here the expression of conditionality for financial support.

Rights-Based Approach within Oxfam International

Having followed a mainly service delivery approach to poverty alleviation for years,

Novib and Oxfam adopted a rights-based approach in 2000. It became one of the pillars of the Oxfam International Strategic Plan. In practice, Oxfam has worked with different elements of an RBA long before 2000; Oxfam-Novib has done so as far back as the early 80s. (Brouwer and Pena 2006: 8)

Oxfam International is a confederation of 14 Oxfam members who

believe that respect for human rights will help lift people out of poverty and injustice, allow them to assert their dignity and guarantee sustainable development. When we speak about having a rights-based approach, this is what we mean.¹⁰

As one of the few presented here, Oxfam's perspective links directly poverty with the respect for HR. The extent to which this official vision of RBA is mainstreamed within Oxfam varies considerably. The need to accommodate differences, historically or structurally entrenched, between organizations, as well as the flexibility of interpretation of RBA may be reasons for that. Perhaps surprisingly, there is not a clear overview of RBA policies or implementation

⁹ www.minbuza.nl, accessed 03-09-09.

¹⁰ www.oxfam.org, accessed 25-08-09.

papers present within the confederation. Overall it seems that policy papers and implementation guidelines, particularly in the field of monitoring and evaluation, are only now being developed¹¹. There is nevertheless a general commitment of Oxfam-International to work within a rights-based framework as '*in all our actions our ultimate goal is to enable people to exercise their rights and manage their own lives.*'¹² There is also a strong conviction that the Oxfams share long-standing core values and principles which include or are included in RBAs and which staff might have used in their work for years (Aaronson and Zimmerman 2006, Brouwer et al. 2005, Gready and Ensor 2005, Uvin 2004). As this research was undertaken, it emerged that issues might be a lack of documentation or the poor sharing of existing knowledge.

A key aspect of Oxfam's RBA, is the incorporation of all rights, including ESCR, CPR, environmental, reproductive and labour rights and rights protected under humanitarian law in its approach to programming which is built around five 'rights-based aims' (Oxfam International 2001):

- right to a sustainable livelihood (Aim-1)
- right to basic social services (Aim-2)
- right to life and security (Aim-3)
- right to be heard (Aim-4)
- right to an identity (Aim-5)

These aims have been internalised and operationalised within the different Oxfam affiliates in policies and strategic plans (Offenheiser and Holcombe 2003, Oxfam International 2001, 2007), as well as in the operations and organizational cultures of its members (key informant 01&02, interview 10).

3.4 Oxfam-Novib's official view on Rights-Based Approach

Based on Oxfam-International's position that "*poverty is a state of powerlessness in which people are unable to exercise their basic human rights or control virtually any aspect of their lives*"¹³, Oxfam-Novib defines an RBA as a means to

identify ways of transforming the self-perpetuating vicious cycle of poverty, disempowerment and conflict into a virtuous cycle in which all people, as rights holder, can demand accountability from duty bearers and where duty bearers have both the willingness and capacity to fulfil, protect and promote people's human rights (Brouwer et al. 2005: 64).

Hence the link between poverty, power (or rather lack thereof) and human rights is explicit and claiming and realising rights is as much a means to ending poverty, as it is an end in itself. Moreover, this definition recognises the need to

¹¹ Internal documents – Oxfam-America *ROPEII*, Oxfam-Intermón *Introduction to the rights-based approach to development*

¹² www.oxfam.org, accessed 25-08-09.

¹³ www.oxfam.org, accessed 23-08-09, also clarified in Oxfam International's *Towards Global Equity* (Oxfam International 2001)

increase the capacities of all parties involved, that of rights-holders to claim their rights as well as that of duty-bearers to realise them.

For years, the R&D department of Oxfam-Novib has been at the core of most of the developments around RBA. The first paper on this issue dates back to 2000. It acknowledges the advantages of adopting

a rights approach[that] focuses at the roots of injustice and underlines the need for institutional change rather than charity [and] by using language of rights, Novib [sic] makes clear on whose side we are and whom we hold responsible for poverty and injustice (Brouwer 2000: 4).

While Oxfam-Novib might have seen its work as less political earlier on, this stance does not shy away from 'taking sides'. Having taken this position almost a decade ago, one might expect a more recent policy document on RBA to have been developed. Nonetheless, no such paper is available. Acutely aware that grounding its work for years in a rights-based approach and not having such a policy document could send mixed messages on how much a priority RBA for Oxfam-Novib really is, the R&D department is currently developing a policy, a position paper and a plan for operationalisation for RBA. Nonetheless, opinions within Oxfam-Novib diverge on whether such a policy should guide practice, or it should make already existing practices more explicit, reflecting some current debates on this issue (Mosse 2004).

The vision of R&D is that all five elements of PANEL - Participation, Accountability, Non-discrimination, Empowerment/Equity, Law (*See Appendix VI - Source internal presentations Oxfam-Novib, 2005-2009 - key informant 01*) are features of an RBA to development; hence the goal is that all activities of Oxfam-Novib will include these.

Deconstructing this vision, this means: (*key informants 01&02*)

- Staff of Oxfam-Novib and partner organizations are aware of these elements and have enough knowledge and understanding of them to be able to recognize, use and assess them
- All projects supported by Oxfam-Novib in each region of the world should be designed, implemented and evaluated taking these criteria into account
- All criteria apply to all five rights-based aims
- Evaluation mechanisms are in place as well as mechanisms to correct or redress processes that do not fit these criteria
- Oxfam-Novib takes these elements into account for all its work, including activities of global campaigning, lobbying and fundraising

A timid start in training Oxfam-Novib staff on these issues was made in the last few years. However, neither an overview of what it entails to operationalise RBA throughout the organization, nor a set of concrete tools to facilitate this process exist to date.

Chapter 4 Context and operating climate of Oxfam-Novib

Organizations tend to be shaped as much by the changes in the environment they operate in as by their own internal structures (Hilhorst 2003). Moreover,

(...) people operate within the limitations of structural constraints, but (...) such constraints operate through people. Constraints only become effective through the mediation of interpreting actors (ibid.: 5).

This chapter looks at several factors currently shaping Oxfam-Novib's operations: (i) financial resources; (ii) greater demands to show 'effectiveness; (iii) activities and responsibilities shifting to 'the south'; (iv) streamlining within Oxfam-International, and (v) knowledge management. It emerges that perhaps for Oxfam-Novib, these factors have converged in the last year in a way that has revealed, or at the very least accentuated, challenges dormant until recently. These contextual and organizational factors help understand how RBA principles are interpreted by Oxfam staff into their own terms.

4.1 Current contextual factors

Financial constraints

Limited finances are not a new problem for northern development NGOs. The worldwide economic climate of the past year made this constraint more acutely perceived than in the past, however. At macroeconomic level, the need for aid funds from developing countries will tend to increase rather than decline, while many northern governments cut their development aid. At microeconomic level, private and corporate donors are likely to be less generous during this crisis. Hence development NGOs will likely face urgent and rising demands for funding and declining availability of resources.

In 2008, The Netherlands was one of just five countries that spent more than the UN target of 0.7% of GNP on official development assistance (ODA). Net ODA in that year increased by 4.8%, with rising bilateral aid budgets (OECD 2009: 1,2). Since the start of the financial crisis however, the Ministry has announced drastic reductions in the foreign aid budget, as well as setting a ceiling on subsidies granted to NGOs. Starting next year, Oxfam-Novib staff anticipates that the amount of governmental funding may fall drastically. The current climate creates some fear of grave consequences for both partner beneficiaries of Oxfam-Novib, and for those working at head office. Paradoxically, whilst being squeezed financially, Oxfam-Novib has to invest additional resources in searching alternative sources of funds. Since it is generally agreed that thorough implementation of RBAs demands more funding rather than less (Ball 2005), external circumstances only amplify difficulties already faced within Oxfam-Novib.

Questioning the NG in NGOs

This imposed shift in Oxfam-Novib funding sources may have some positive potential impacts, however. Less dependence on Dutch government funding might in the future open up some fresh opportunities for greater autonomy. An increasing concern with how 'non-governmental' NGOs really are, means that heavy reliance on government funding is not always viewed in a positive light (Tvedt 1998). The independence an organization can exercise when perpetually in danger of losing a large part of its budget seems illusory (Pratt et al. 2006). Depending, year after year, on the government for core funding, seems to replicate, at another level, the dependent relationships that counterpart organizations in the south may develop with Oxfam-Novib. The partnerships cannot be genuinely equal so long as one partner controls the purse strings. Oxfam-Novib's partners may compromise in order to secure much-needed funds, so may Oxfam-Novib compromise with the Dutch government rather than lose the funding it needs. Under these circumstances, 'biting the hand that feeds' is not likely¹⁴.

Arguably, the nature of the work of NGOs that adopt (H)RBAs will tend to become more highly politicised. States are still considered primary duty-holders for HR, hence hold primary accountability for their realisation. So, NGOs – particularly rights-based ones – have a duty to hold accountable the government of their own country. Hence, in the longer-term, not being as dependent on a governmental source of funding might prove more comfortable, enabling the organization to better negotiate its way in the development world. As the development community calls for good governance and accountability, finance and autonomy are also burning issues for northern government-funded organizations. Yet alternative sources of funding are difficult to find. This uncertain context sharpens the RBA debate considerably.

Even as the Dutch government funds up to 70% of the total recurrent budget of Oxfam-Novib, and has done so for some years, Oxfam-Novib has set its own agendas for many years. It was even involved in lobbying and campaigning to hold the Dutch government accountable, including for its aid decisions. The influence of the government's priorities on the agenda of Oxfam-Novib, recently seems more noticeable. The current priorities of the Ministry on women's rights 'fragile states' have also become the heart of Oxfam-Novib's policies and actions in the last few years. This seems a case of convergence for the sake of convenience, reflecting strongly overlapping perceptions of core concerns and priorities between Oxfam-Novib and the Dutch government.

Aid Effectiveness and increased accountability

Paris Declaration on Aid Effectiveness

Since 2005, the Paris Declaration on Aid Effectiveness, signed by heads of states, multi- and bilateral institutions, and NGOs has increasingly influenced how these development actors work. This document is relevant on two levels. First, the Declaration helps set terms under which the Dutch government funds Oxfam-

¹⁴ See (Pratt et al. 2006) for more on NGO and government funding.

Novib and other Dutch NGOs. It is also interesting to examine how few Human Rights discourses were woven into the Declaration.

Starting from the premise that '*...aid effectiveness must increase significantly*' (OECD 2005: 1), the document defines several ways to achieve this: (i) increasing alignment of donors and partner countries' strategies, (ii) harmonisation of donors' development approaches, (iii) focusing on 'fragile states' and (iv) improving the management of results, including more standardised 'indicators of progress' (OECD 2005).

The Paris Declaration, arguably well-intentioned, raises questions about what an internationally more coordinated approach to development looks like. At no time defining the concept of 'development', it further ignores any politics aspect of it; 'power' and 'empowerment' are not used at all in the text, nor are 'justice' or 'inequality'. 'Participation' is used three times, always associated with vague terms like 'broaden' and 'encourage'. Power imbalances are invisible, whether among donors and NGOs, or between the 'aid' community and beneficiaries. The Declaration implicitly accepts (since it does not question) the status quo of gross global inequalities within the context of development (Pogge 2002). As Bissio summarises:

The P(aris) D(eclaration) does not constitute in itself a partnership, as it brings together national and international actors in the aid cycle with extremely asymmetrical conditions and does not spell out corresponding rights and obligations. (...) the PD fails to provide institutional mechanisms to address the asymmetries in power (2007: 2)

Human Rights are indeed a yawning absence in the document, referred to neither as frame of reference, nor as condition for aid, or indicators for monitoring and evaluation. Rights are not goals, HR are not mentioned, and neither are the duties of states. 'Aid' and 'aid delivery' is conceived of as mainly a technical problem, that has very little to do with HR. Arguably, 'walking the talk' of HR starts at the top and is an undeniable duty of states. Given the clear commitment to a human rights-based approach of several of its signatories, this declaration's silence on human rights is remarkable, to say the least.

Aid Effectiveness in the Netherlands

The Paris Declaration renewed a debate in the Netherlands around aid effectiveness and accountability. While Dutch citizens are generous donors (Van Uffelen and Vervliet 2008) they also want to know exactly where their funds are going. Their main concern is with the destination of funds donated rather than effectiveness of programs. There have been recurrent discussions about salaries of Directors of NGOs, and on-going concern with the CBF-keurmerk (a charity certificate) in relation to '*the leadership and policy of charity organizations, how they collect funds, how they spend them and how they report on them*'¹⁵. In the Dutch context, aid effectiveness is generally expressed in terms of 'how many people' aid reaches rather than what it has achieved. Although not every donor in the north is capable of evaluating what the most desirable outcome of a program might be (Clark 1991:

¹⁵ www.cbf.nl, accessed 28-09-09

72), such debates influence what NGOs in The Netherlands can do and how they do it.

Another influence of the declaration on the Dutch context is a push from government for NGOs to align their policies, and to harmonise their interventions among themselves, making it a conditionality for requesting funds. This in itself could reset NGOs' agendas. This might contribute to less fragmented NGO work and in terms of 'aid effectiveness', this may be a positive development, avoiding common problems of overlap and duplication. Nevertheless, overlap and duplication may not always be such a bad thing; it enhances choices both for NGOs and for their partner organizations. Whether they want to or not, it seems that northern NGOs are increasingly constrained to work in a context where:

(...)those who are already powerful associate together as a means of maintaining and strengthening their collective and individual agency [and where] (...) donor harmonisation of approaches and procedures can be interpreted as means to exert greater power over the recipients (Hughes et al. 2005).

How can an NGO like Oxfam-Novib, which openly describes its work as contributing to shifts in power relations, reconcile power imbalances arising from financial dependence on a single donor, with the power imbalances that it has as a donor with its southern partners. Issues of multiple accountabilities –to donors and 'the people they serve' - seem unavoidably entrenched in such a situation.

From North to South

A characteristic of the changes affecting northern NGOs in the last few years has been the move of head offices to southern countries, or at least supplementing the northern presence with a southern administrative and organizational reach. It is not easy to pinpoint a single reason for this move, but it can be understood as (i) a manner to 'decolonise' development work; (ii) a way to reduce costs, whilst consciously seeking to bridge the North-South divide in development activities; (iii) a shift in viewing people and organizations in the south as 'beneficiaries' to view them as resources, with capacities – including management capacities - of their own. The Oxfam group has integrated two affiliates in the south: in India and more recently in Mexico. The latter can be seen as a success story of RBA: thanks to support from Oxfam-Novib for years, this partner was able to stand up for its rights, participate in its own capacity building and empower its staff. It has reached its autonomy, increased its power in the field of development in Latin America and is now ready to take over the role of Oxfam-Novib in that region. While this is a logical continuation of the whole network to strengthen its capabilities in the south, this shift also has organizational and personal implications for Oxfam-Novib staff. The dominating fear is of 'letting partners down', and there is a concern not to lose the lessons of many years of partnership in Latin America, which can benefit practices in other countries.

To some extent, this whole process reveals the vulnerability of Oxfam-Novib and other northern NGOs. If they succeed in their endeavours in development and in (H)RBA-related work particularly, there are consequences for the nature of their work, for their organizations and for staff, some of which start being more acutely felt within the context of a funding crisis.

4.2 Organisational challenges: Oxfam International and Oxfam-Novib

Appendix VIII provides more detailed observations on the role of each department and their interaction inside Oxfam-Novib's headquarters in The Hague. This short section considers current organizational challenges within Oxfam-Novib and how they might impact the mainstreaming of RBA within this organization.

Streamlining activities

To improve the coherence of their approaches, all members of the Oxfam family are in the midst of analysing their professional strengths and limitations, including their commitments to rights-based approaches. A so-called Single Management System (SMS) is intended to avoid duplicating efforts, and making better use of past experience and existing expertise within the Oxfam network. Despite the positive effects of this process, it is not easy to reconcile with RBAs, which generally require longer-term relationship building. Historically, the Oxfam family is a very disparate group, including large organizations like Oxfam-Novib (large in terms of numbers of staff and funding) and quite small organizations as well. Each differs in terms of experiences, ties and *modus operandi*. Streamlining policies and processes into a single coherent 'system' is not without its difficulties. Moreover, different modes of operating do not always reflect incoherence, but may reflect conscious adaptation to particular circumstances and needs. This is also true of rights-based approaches in Oxfam's work, which are highly context-specific. The SMS streamlining project assesses different Oxfams' capacity in terms of RBA policy documents, processes for RBA operationalisation and the use of RBA-related indicators. While Oxfam-Novib is acknowledged by its sister organizations as an early adopter of RBA, if it is expected to produce 'proof' of its expertise in RBAs, this might not be readily available. The streamlining of activities, if anything, reveals the lack of common tools and common policy papers, and shows a proliferation of tools for appraisal and evaluation, created by departments and individuals to 'fill the gap' between principles and practices.

Fragmented knowledge, limited time for learning

A recurring organizational challenge according to staff inside Oxfam-Novib is the lack of people and resources to oversee and implement the tasks that people know should be done. Further financial restrictions will almost certainly make this problem worse. Oxfam-Novib is officially committed to being a learning organization, and this is embedded into the organizational culture. Each employee has a quota allocated of 8 days annually for training. This often proves insufficient. In Oxfam-Novib, knowledge sessions and training on RBAs have still not been made mandatory. Yet this would be vital prior to the proper operationalisation of RBA. During the research period, 3 knowledge sessions had to be cancelled because so few staff was able to take part. This does not necessarily mean that Oxfam-Novib staff is not interested. During the latter half of 2009 was a tense time, with most people pressured with deadlines to meet and targets to achieve, especially in relation to: (i) the new strategic plan; (ii) the annual report and (iii) the subsidy request. This meant that from July until November, at least, little else was done, and training on knowledge activities, for example, suffered. In uncertain times like now, operational constraints take precedence.

This results in that there is a huge amount of information on a number of topics within the organization, but there is only partial sharing of this information, on a voluntary basis. Knowledge is available, but fragmented in how it is used. It is not unusual for people who in terms of their functions and interest should know what they are working on, not to know about one another's work, or to discover aspect of it (too) late. This is also true of information on RBA, as was revealed in several ways during fieldwork. It proved quite difficult to find out and assess what was known about experiences at the level of partner organizations, let alone to compare the 'status' of RBA within Oxfam affiliates. The electronic portal for sharing best practices is not updated regularly, and is only used by a small number of partners (and Oxfam-Novib staff). Knowledge does not seem to permeate across the divisions among partners, Programme Officers (POs), outside stakeholders and management. Secondly, no department within Oxfam-Novib seems to have a clear overview of the status of other Oxfams on RBA. Current literature and research on RBAs, while they may be known to a few, is not disseminated inside Oxfam-Novib in a structured way.

To the organization's credit and that of people involved, there is an acute awareness of these problems. Nevertheless, the efforts invested in finding solutions seem to have been partial and not that fruitful yet. A part of the explanation for this undoubtedly lies in the unfavourable external contextual factors mentioned in the first part of this chapter. Another aspect might be the type of leadership of the organization (Clark 1991). Decisions seem to be made only when everyone seen as having a stake has been consulted. This builds on the strengths of the highly qualified and experienced staff of the organization, but may paralyse Oxfam-Novib somewhat in taking time-sensitive decisions. Oxfam-Novib is a fairly big organization, and has perhaps become quite bureaucratic. It wishes to encourage individuals' initiative and creativity, but initiatives are often nipped in the bud by decision-making processes and bureaucratic requirements.

It would obviously not make much sense to study (H)RBAs within an organization like Oxfam-Novib without understanding the broader environment Oxfam-Novib operates in. Oxfam-Novib has tried to implement and operationalise 'its RBA' in the face of constraints imposed by its wider context. This chapter has considered some current external factors that influence the operations of the development community in the north, especially Oxfam-Novib. It has considered elements internal to Oxfam-International and Oxfam-Novib, including structures, leadership and organizational changes. All these affect Oxfam-Novib's operations at the current time, and have implications for how RBAs are understood and acted on, the subject of Chapter 5, which examines how interactions between structural constraints and individual agency can lead to very varying interpretations of what RBAs imply within a single organization.

Chapter 5 An exploratory typology of Rights-Based Approaches within Oxfam-Novib

At first, attempting to understand the different ways in which rights-based approaches to development are perceived within Oxfam-Novib, seems a 'messy' task. To clarify the key issues, this chapter proposes an initial typology of 'versions' of RBAs within Oxfam-Novib, presented in Table 2. This table summarises both the typology itself (the 'what' and the 'who') and analyses the typology briefly (in terms of 'why' and 'how'). Informed by the literature, this chapter mainly draws on interviews conducted between July and November 2009, with Oxfam staff.

5.1 Introduction

As we saw in Chapter 3, different development actors have different official views of what (H)RBAs mean to them. Although Oxfam-International and Oxfam-Novib's official view points to a consensual definition of what RBAs imply within their organizations, NGOs are not homogenous and monolithic and so the agency of their staff needs to be reckon with when analysing how an official standpoint is 'translated' into unofficial, but perhaps shared, understandings of RBAs (Hilhorst 2003). Since RBAs inherently leave room for interpretation, this is almost bound to lead to a range of different explanations and interpretations of what RBAs actually mean, both as an ideal and in practice.

At the time of the research, as Chapter 4 has shown, Oxfam-Novib employees had some pressing common concerns with workload, accountability to their major external donor, and other pressures from the outside world, both directly and indirectly. However, how these changes affect staff's view of RBAs depends on their own priorities, their function and their role within the organization. Common external concerns, for example, with securing funding, do not translate into a single, shared interpretation of RBAs. On the contrary, some Oxfam-Novib staff have very practical consideration, especially how usable such approaches are for instance to meet financial goals, for example; others talk mostly in conceptual and philosophical terms about RBA. Also, while for some the notion of RBA is novel and relatively unknown, others have worked according to it for many years.

In such a big and complex development organization, the cultures and roles of different departments diverge significantly. Where so many people with different sets of expertise and experiential forms of knowledge take part in shaping the organization's policies and activities, then it is likely to find a broad range of different understandings of RBAs, what they imply, and what they are not. Within Oxfam-Novib, these approaches are not in any sense mutually exclusive. On the contrary, they evolve through time and in response to internal and external factors. Constructing this typology of interpretations of RBA reveals that opportunities, interests, previous experiences and individual preconceptions all influenced perception of RBA among Oxfam-Novib staff. This classification helps understanding some of the difficulties that staff inside Oxfam-Novib have in negotiating the operationalising of RBAs. Most likely these problems are similar to

those of staff in other northern NGOs, who have to negotiate similar challenges in mainstreaming RBAs.

Quite early on the research revealed a separation mainly between a conceptual or visionary understanding of RBA and a more pragmatic, practice-oriented interpretation. Although at first sight this split appeared to follow the lines of ‘management’ versus ‘hands-on’ preoccupations, it soon became clear that this division is blurred and flexible. Those who work within departments with short-term, more hands-on tasks or targets (such as the Programme Officers or POs), do indeed tend to share whole or part of the visionary interpretation of RBAs. And those who have a more pragmatic or practice-oriented vision of RBA are a very disparate group, who does not necessarily express this in the same ways, or for similar reasons.

It is worth noting that the ‘Oxfam-Aims Segmenters’ (p. 36) interpretation of RBA might be particular to Oxfam-Novib, as an organization, since it is intrinsically linked to its five rights-related aims. It is, nevertheless, one of the most omnipresent and at the same time a difficult one to clarify for those not familiar with the NGO. While ‘experienced’ and ‘inexperienced’ staff have contrasting notions of RBA, they are here classified together since they only make sense when related to each other. Table 2 below summarises the various streams of how RBAs are viewed. The remainder of the chapter analyses each of these in more depth.

Table 2. Typology of Rights-Based Approaches within Oxfam-Novib

| RBA approaches | Characteristics (What) | Found where (Who) | Identified reasons (Why) | Revealed by (How) |
|---|--|--|--|---|
| 5.2 The Visionaries | Long term Aligned with OI Aligned with government Philosophical Visionary | Management Staff bureaux | Inspirational Knowledge Function (leadership) | Policies Official communiqués Broad lines, no operational details |
| 5.3 The Oxfam-Aims Segmenters | Aim-4 = RBA RBA not necessarily in other Aims | All levels, particularly Projects and Staff bureaux | Knowledge Resources Function Organizational culture | Organization structure Discourse (official and non-official documents) |
| 5.4 The Pragmatists | Short term Practical Results-oriented Assessment dependent Concrete tools and indicators (present or needed) Adapt to current situation Prioritising needs versus rights | Projects Campaigns Fundraising | Resources Function Accountability Knowledge Incentives Performance | Daily practice Organization structure Discourse Priorities/choices Decision making Measurement tools Concrete explicit language |
| 5.5 The Experienced versus Inexperienced | Not new, have worked like this for years Versus This is a shift from needs based | Particularly Latin America projects, and particularly people working in Aim-4, but also throughout the organization people working longer Versus Other countries than Latin America, other aims than 4, new people | Knowledge (lack thereof) Experience (lack thereof) Function | Discourse (official and non-official documents) Particular situation of institutional memory Choices of partners |
| 5.6 The Intuitive Implementers | Based on gut-feeling | Anywhere in the organization | Knowledge (Personal background and experience) Resources (lack of tools/guidance) | Discourse (mainly unofficial) Decision making |

5.2 The Visionaries

This interpretation of RBA is characterised by a broad, long-term vision for the organization as a whole. This envisages RBA as being relevant mainly at policy level. In this vision, RBAs help position Oxfam-Novib within the wider development context of aid and intervention, and within the wider Oxfam family. This is an overarching, somewhat vague, conceptually-based definition, produced perhaps for the outsider in the form of what are usually presented as an inspirational set of approaches. This philosophical/visionary approach to RBAs tends to arise at management level (of Oxfam-Novib and of Oxfam-International), among staff bureaus, and particularly inside R&D. From this perspective, RBAs are defined in similar terms as official documents and communications with the outside world, such as the website. This 'official Oxfam-Novib view of RBA', as defined earlier in this paper, generally overlooks the more 'practical' considerations of implementation and how rights-based principles might be operationalised. This visionary approach remains at the level of 'lofty principles' and meshes with a strong emphasis on steering away from 'charity' and towards an approach, which is meant to empower people themselves to demand and help bring about structural changes in 'developing' countries.

Being broad-based and inclusive, this dominant visionary perspective on RBAs reflects the organizational priorities and draws on the 'management' and 'leadership' experience of those who express it. Typically, they are people involved in making organization-wide decisions and setting the goalposts of policy formulation. They are not directly involved in implementing and assessing specific projects.

This is also at least in part, a vision driven by the politics of the donor and the development 'business'. A range of specific examples were cited in the interviews: (i) the need to redefine RBAs in the case of fragile states, in line with Oxfam-Novib's new strategy and the government's focus; (ii) the importance of communicating a unanimous Oxfam-Novib vision on RBAs to partners and sister affiliates who work with similar approaches.

Many 'visionaries' are not directly accountable for use of development-targeted financial resources. Those among them who are directly involved in project implementation and oversight, share the management's viewpoint that RBAs are a broad code of conduct for all processes and end-results. RBAs are not seen as part of the working toolkit of Oxfam-Novib operations, applicable at each stage of the project cycle and within the organization's internal workings and decisions. In some ways, the 'visionary' version of RBA is close to the 'intuitive' one, which is explored later.

As with other once challenging principles and approaches, like gender justice, 'the visionaries' view a common official vision of RBA as confirmation that there are core values that Oxfam-Novib stands for. It is also a strategic vision, since RBAs operate as part of a necessary set of qualifications that advantageously position Oxfam-Novib in relation to outside audiences and partners. To some extent the aim may be:

(...)to prevent the main principles of Oxfam-Novib being easily pushed aside or forgotten, even when there are changes in the management, the staff and the operating environment (*informal discussion – key informant 01 – July 2009*).

However, sticking to such visionary approach can be quite contradictory to other values and visions of Oxfam-Novib. It may even clash with intrinsic elements of RBAs in general. While participation is one of the core elements of RBAs, for Oxfam-Novib to define a single 'official' view of RBA, which must be adopted by all those working inside the organization, can cause tensions with the flexibility implied in the very notion of participation. The point here is that: *'[w]hen an agency...adopts Official Views, then discussions between the agency staff and its clients is a pseudo-dialogue'* (Ellerman 2002: 286). Nevertheless an NGO like Oxfam-Novib is expected to adopt a number of official positions, both by its sister organizations, by some of its own staff, by donors and by development partners. Making the organization's position clear through officially agreed definitions is required of all organizations that receive conditional funding. In the case of RBAs, there is a push for an official view and for an agreed policy among both management and staff, and with other Oxfams and partners alike. Offenheiser and Holcombe point to the importance of leadership within northern NGOs in influencing the process of how RBAs are internalised and implemented (2003: 295). It seems as if commitment and leadership in defining a clearer vision of RBA and in building up consensus among staff on this topic may for the last decade or so have been overshadowed by other management priorities, notably 'gender mainstreaming'.

During a recent RBA Learning Trajectory workshop, partners explicitly expressed the need to know what Oxfam-Novib's official position was on the matter (*RBA Workshop – April 2009 – related by key informant 01*). Similarly, most interviewees talked of the lack of a clear policy inside Oxfam-Novib, and most wanted to see one emerge. Where opinions tend to diverge is about whether a new policy needs to be defined, or whether the already existing policy, based on current practices just needs to be made more explicit. The relation between the vision, policy and practice of RBA is ambiguous. Is policy guiding practice or is policy being shaped by practice (Mosse 2004)? It may be that both are important.

Another particularity of the 'visionaries' is a tendency to lean on experts and academic literature to help them understand and define their views on RBAs. To some extent, R&D is expected to gather such knowledge from qualified sources inside and outside Oxfam-Novib and then 'translate' these ideas into digestible form for the rest of the organization. Nevertheless, others argue that such a visionary take on RBA should be firmly grounded in practice, so as to bridge a seemingly apparent disconnection between policy and practice.

If visionaries are successful at managing knowledge, acting as: *'broker and translator'* (Lewis and Mosse 2006), then this could help ensure that Oxfam-Novib's official version of RBA is not just rhetorical or purely personal, but shared, grounded and flexible. Ongoing discussions on the role of R&D in this respect reveal that this is an issue the department is aware of and is presently grappling with.

5.3 The Oxfam-Aims Segmenters

Since Oxfam formulated its official position on RBA as grounded in the 5 rights-based aims (See Chapter 3), these aims have been communicated inside the organization and outside, through brochures, on the website, and in meetings. Working according to these five aims has had profound consequences for the NGO's internal organizational structures and daily operations. Most departments are organised around the aims, appointing one person as the 'focal point' or expert

on his/her respective aim. Strategic decisions can be strongly influenced by this division, and financial targets are also expressed in terms of percentages of funds allocated per aim. The computer programme used by POs for appraising and evaluating their partners and projects compel them to enter data according to the five aims. All this implies that the 5 aims have been thoroughly internalised within the organizational culture of Oxfam-Novib (*author's diaries – June-October 2009*). There is even a music band formed by Oxfam-Novib employees called 'Aim 6', implying an aim not yet formulated!

During a meeting about RBAs within Oxfam-Novib, a PO stated with conviction that '*for most people [within Oxfam-Novib], working with RBA is working within the framework of the 5 aims*' (*meeting notes – October 2009*). While this shows a needed common understanding of what Oxfam-Novib stands for, it also seems to create confusion about RBAs among Oxfam-Novib staff. Some equate 'working according to an RBA' with 'structuring our work according to the 5 aims', meaning that if the goals of a particular project can be classified in one or more of these rights-related aims, then the project is inherently rights-based.

Probably one of the most common misunderstandings within Oxfam-Novib, is caused by the amalgamation of Aim-4 (i.e. the right to be heard) with RBA. For various reasons, Aim-4 is often confused with RBA, and the two are seen as inter-related. As one PO explains:

(...) so it comes up again and again, how should you see RBA in relation to your work on Aim-4. Because for me, RBA is an approach reasoning from the standpoint of a right to... therefore not necessarily related to Aim-4... but I'm not sure how other people, not working on Aim-4 projects, see it (interview 04).

An analysis of how this amalgamation of Aim-4 and RBA comes about, leads to propose three possible reasons:

- i. Some elements of RBAs are still seen as pertaining more to the realm of CPR, hence Aim-4. Participation, empowerment or accountability are understood in terms of civil society building and capacity building of people within the communities to hold duty-bearers accountable. This begs the question whether despite Oxfam-Novib's firm adherence to the principle of non-divisibility of rights, it has indeed been fully internalized (Aim-4, pertaining to CPR is for example not included in the 'change goals', see *Appendix VIII* and (Oxfam International 2007)) and perhaps illustrates what Munro calls the potential '*pitfall of organizational paralysis and the morass of relativism*' (2009: 202).
- ii. Moreover, although all Oxfam-Novib's aims are expressed in terms of 'rights', some employees, particularly involved with Aim-1 (the right to sustainable livelihood) and Aim-2 (the right to basic social services) still sometimes see the interventions more as 'aid' than the realisation of rights (interviews 05 & 06). Hence they see RBA as less pertinent to their work.
- iii. Lastly but not least, the amalgamation of RBA and Aim-4 has been underlined by several organizational decisions, made by choice or guided by circumstances. Within R&D, responsibility for Aim-4 and RBA has always been given to the same person. Reinforcing the

association of RBA with Aim 4, most people involved in the RBA Learning Trajectory over the past few years, with just one exception, were also involved with Aim-4. There are no official Aim-4 'focal point' POs within Oxfam-Novib. Finally, while there are 5 aims, there are 4 'Change Goal Managers', none for Aim-4 (Oxfam International 2007), (*author's notes-Strategy Day-October 2009*). All this tends to confuse staff in that Aim-4 does not appear to be a full-fledged Aim like the others, but a crosscutting theme. Therefore, even employees who do perceive RBAs as crosscutting processes, still have difficulty differentiating Aim-4 and RBA, and understanding how the two relate.

Another aspect of this confusion between Aim-4 and RBA is the fact that some doubt the utility of legal instruments if the proper mechanisms are not in place to hold duty-bearers accountable (interview 06). On the whole, both staff at Oxfam-Novib and many partners endorse HR principles, but explicit use of HR instruments or even reference to HR is not the norm. The only clear link with the law in many people's mind is within the framework of 'access to justice', which is one of the explicit area of focus of Aim-4. While it is true that *'if RBA amounts only to adding a thin layer of HR law on top of the development cake,(...) not much will have changed'* (Uvin 2004: 140), the lack of knowledge and use of rights within Oxfam-Novib is arguably an important gap in its mainstreaming of RBA.

The confusion between RBA and Aim-4 is visible at the PO level, and trickles down through the organization, into some aspects of communiqués, priorities and shifts in the organization, which suggest that an Aim-related (and more specifically Aim-4 related) interpretation of RBA is present throughout the organization (*author's diaries- June-October 2009; informal discussions- key informant 01*). As R&D is becoming more aware of this amalgamated perception of Aim-4 and RBA, it is consequently also committed to clarifying the elements that pertain to Aim-4 alone, and distinguishing them explicitly from crosscutting elements of RBA across all of Oxfam-Novib's work. RBA needs to be separated from its association with Aim-4 and to be understood as a wider operational process.

The decision to define 'its' RBA through five rights-related aims has been useful to Oxfam in many ways over the past few years, and has allowed the organization to officially assert its commitment to rights. It has also provided the beginnings of more 'hands-on' tools for helping (re)organise activities. However, it has also created confusion about what it means to adopt an RBA. This has been reinforced by some organizational decisions, and several people inside the organization now feel it is time to re-visit the 5 aim-model, not to dismiss it, but to make more explicit what these aims should (not) mean for their work. This process of clarification need not imply any drastic changes, but does imply a commitment from leadership both in words and resources, to RBA.

5.4 The Pragmatists

In a different vein, one PO expresses the view that:

Oxfam-Novib policy on RBA is quite clear, it should not become too clear either because otherwise we loose the flexibility of interpretation we need to work (interview 06).

So while some find it necessary to clarify Oxfam-Novib's position on RBA, others welcome the room to manoeuvre that RBA gives, allowing them to 'do their jobs'. What can be termed the 'pragmatic' position on RBA is characterised by a few features that may coexist. It is focused on the short-term, is solutions-minded and results-oriented. Those who adopt this kind of approach to RBAs look for ways to improve accountability and stress the importance of proving efficiency and impact of RBAs, both in outcomes and in the processes involved within Oxfam-Novib. They stress the impacts and implications for their daily work. They are thus pragmatists rather than overview strategists or 'visionaries'.

Arguably, this set of approaches is partly influenced by the general context in which NGOs operate, and some of the strategic challenges that have arisen inside Oxfam-Novib and Oxfam-International. As organizational structures and processes of evaluation evolve within Oxfam-Novib, issues of accountability and limited resources become key rather than the need for an official vision of RBA. Elements of internal accountability (and accountancy) include the very practical assessments of employees through the setting of 'targets' for their work. The whole appraisal process was often named in the interviews as a priority for Oxfam-Novib staff. Shrinking resources in terms of time and money exacerbate pressures that staff feel, reinforcing a common concern with achieving and demonstrating practical 'results'. The risk arises that personal and professional performance, may become staff's primary goal across parts of Oxfam rather than any broader principles. This suggests that:

(...) the transition to 'management-by-results' and its new goals and accountabilities has infiltrated the views, practices and organizational cultures of development agencies, reverberating through their internal organizations. (Quarles Van Ufford and Giri 2003a: 7)

Although the problem may be overstated here, some actually view RBAs as 'counter-productive', when faced with the need to prove impact and effectiveness, especially financially. Not surprisingly, this pragmatic (or sceptical) view of RBAs tends to be present mostly within functions that are assessed regularly on a short-term basis in relation to concrete targets. Among this group of 'sceptics' mostly are POs and fundraisers.

POs often need concrete indicators that may seem to support them better than ideals of working in a 'rights-based', 'participatory' or other manner. Therefore they expect and in some cases demand that any new policy be translated into concrete steps that are achievable with clearly specified tools. Pragmatists generally regret that no tools or indicators are available yet when it comes to implementing RBAs in practice. Some point out that RBAs are hard to measure according to indicators already present and emphasize the need to *'include measurable indicators, as gender indicators are now included within the computer system we use'* (interview 01). In interviews with these staff inside Oxfam, there was sometimes discomfort with discussing RBAs, since whereas PO staff realize that RBAs are an official principle of Oxfam-Novib, they also realise that it difficult in practical terms to measure or show the effective outcomes of processes involved in RBAs. Since 'you have to fill in the forms', demonstrable results are still 'what counts'. Assessing what such RBA-related tools might entail is currently underway within Oxfam-Novib. However, one should be cautious that mainstreaming RBAs does not solely become a bureaucratic or technical exercise or these approaches might have no impact on the true nature of staff's work (UN-OHCHR 2006: 19).

Various POs share the pragmatic point of view, but the Project department is far from homogeneous in this respect. Its staff all experience their work, pressures and opportunities in different ways. Their work is – for example - very much influenced by the region or countries they work with and on, their focus on one or more of Oxfam-Novib's key aims, their individual experience, likes and dislikes. Personal agency plays a role and is formed by all of these factors. This means that even among those who do have pragmatic and practical perspectives on RBAs, there is a wide range of variations in the detail and attitudes. This variation is also true within each department and in Oxfam-Novib generally.

Furthermore, some POs have difficulties reconciling the work they are doing with southern NGOs and social movements, which involves work to empower people to claim their own rights – a classic RBA-type approach – with having to measure their effectiveness and show results, often in quantitative, results-oriented ways. Possibly because of their reporting functions, POs seem caught between several layers of accountability. They have to respond to shorter-term, target based goals reporting to management, but also to fulfil longer-term relational commitments to partners in the south whom they work with, sometimes for decades. What this confirms is how:

(...) social change organizations are involved in transformations outside, that is, the core is at the periphery. NGO staff closest to this transformation process are involved with external constituencies and often appear relatively uninterested in the NGO itself and organizational effectiveness unless it starts to impede their own work (Clark 1991: 62)

Staff from the fundraising department is mainly assessed according to funds raised. They currently perceive RBAs as 'not working that well' for this purpose. In other words, fundraising staff cannot see how adopting a rights-based approach might help achieve the main goal of raising funds for and awareness of Oxfam-Novib. Earlier this year, the fundraising department tested different types of mailings, one of them with a more explicitly rights-oriented message. Three mailings showed the end beneficiary, which in this case were children, elaborating on how getting them to school improved their standards of living in the longer term. However, the 'rights-based' letter introduced a Civil Society Organization (CSO) leader who explained her fight to realise children's right to education, including her work on lobbying and increasing capacity. This was the first time such an approach had been tested by the Oxfam-Novib fundraising department. The results, arguably solely measured in terms of funds collected, revealed that out of these four different mailings, the rights-based tailored one produced the least returns financially (interview 07).

The position of the fundraising department is that the Dutch context is crucial for their fundraising activities. They reason that convincing donors to give financial support should be a quick process, as donors do not spend a lot of time on weighing up their decision. Messages for fundraising need to be expressed in terms they, in the Dutch context, can relate to. When discussing more in depth RBAs, a Fundraising Officer pleads to '*stop using these difficult concepts and give us something to the point and concrete to work with*' (interview 07). Indeed it is a complaint of practitioners generally in relation to what they view as the overly abstract concepts of 'academic' development research. POs certainly understand the importance of raising funds. They are after all the ones responsible for spending funds. However some POs express concerns about the 'divergence' between some

fundraising messages and what Oxfam is really doing: *'even when raising funds, we should not give the impression that we collect money and build schools, because this is not what we're doing'* (interview 05). Following a more rights-based approach instead, Oxfam-Novib might fund a local organization that empowers teachers to mobilise and organise communities to claim their 'right to education'.

Although it is among the managers that 'visionaries' are mostly found, they too in some cases had a more pragmatic way to interpret RBA. A pragmatism perhaps underlined by the coincidence of the financial crisis, the subsidy request and the international and Dutch streamlining of activities within Oxfam. Principles of RBA are if needed adapted or reworded for instance to fit better with Dutch government funding conditionalities or for the good of the Oxfam-Novib strategic plan.

So staff from different departments experience some discrepancies between the messages which 'achieve results', including securing funding, and what is really being done by Oxfam-Novib through work with partners, and through RBAs. The fundraisers view differences in messages as pragmatically necessary to achieve the goals of collecting money from the public. This same divergence is experienced as more of a problem in other departments, not least by some POs, who feel torn between different logics or sets of evaluative standards. On the one hand, some plead that the values and cornerstones of a rights-based approach should apply 'at home' first before being used externally. On the other hand, rights-based work depends on an in-depth contextual study. So, what happens if contextual studies lead to the conclusion that a rights-based approach is not the appropriate 'solution'? After all, *'does an RBA tell us anything about the way funding relationships ought to be construed?'* (Uvin 2004: 163).

These examples of the management (securing governmental funds), fundraisers (securing private funding) and POs (spending funds and working with partners) could be explained as conflicting interpretations of RBAs. This author rather suggests that these are signs of how an RBA-committed NGO attempts to handle the multiple levels of accountability it has to respond to. Although he refers to projects 'in the field', Mosse's observation that *'the practical logic that projects cannot transform realities in the way that they claim is hidden by the active promotion of policy models'*, applies as much in this case (2004: 654). Paraphrasing him, a pragmatic view of RBA serves to maintain itself as a coherent policy idea, as a system of representations as well as an operational system (ibid.).

5.5 The Experienced versus Inexperienced

In Latin America, Oxfam-Novib has a long-standing history of supporting CSOs and being involved in promoting HR, building civil society and stimulating peoples' participation. When discussing the different conceptions of RBA within Oxfam-Novib, one of the interviewees stated that these are natural given the different nature of the work that has been done over the years in different departments. She named the example of a meeting a couple of years ago in which staff from the Latin America desk looked back on 20 years activities. The conclusion was that very diverse activities were financed, which can diverge significantly, but on the whole, *'we have contributed to shifting power relations'* (Interview 03). And as this chapter seems to be closing for Oxfam-Novib itself, efforts are in the coming years concentrated on phasing-out the partnerships in a way that will have the least negative consequences (both for partners and for

Oxfam-Novib) and investing in the best ways to conserve the acquired knowledge as institutional memory (one of the interviewees is gathering experiences in a book to be published within a few years – interview 05).

When discussing with POs involved with partners in Africa, the standpoint is very different. Because in many countries the government is seen as unable to provide basic services, even though projects and partners are financed which empower people and increase their capacities to claim their rights, other projects, which entail service delivery, are also supported. Many partners in African countries are still more needs-minded, and oftentimes the situation requires assisting the state in delivering resources. In the so-called 'fragile states', it is difficult not to do service delivery but still the question remains how does an NGO not replace and instead strengthens the state. In many cases the state as a duty-bearer simply is not able or not willing to fulfil people's rights. Second, many times acute needs and short-term solutions may take precedence over what in a time of crisis can seem a very lengthy process of capacity building and strengthening civil society 'from within'. Finally, entering HR or RBA debates in these situations can be seen as 'taking the side' of CSOs against the government in what may be a highly politicised and conflict-ridden situation. A PO having worked within different departments expresses how coming from the Latin America desk, he was surprised at the situation in Afghanistan *'how is it possible that we there, in cooperation with very other very big NGOs are in fact involved with large scale service delivery for the government?'* (Interview 05).

Nevertheless, many POs and lobbyist involved in 'fragile states' that were interviewed showed a thorough understanding of and commitment to using RBA to their work and having done so for years (interview 11&12). First, interventions in crisis are principally based on humanitarian and international law agreements. Secondly, the humanitarian intervention mainly occurs in countries where Oxfam-Novib has already supported partners before the crisis, who are themselves involved in rights-based projects. The interpretation of RBAs in such unstable and insecure contexts might be close to 'the pragmatists' described earlier, but perhaps surprisingly for the researcher of this study, the people concerned within Oxfam-Novib see dealing with such dire circumstances from a rights-based approach as making very good sense and strengthening the position of Oxfam as a whole.

In this case, the differences in country context and the room RBA gives for interpretation lead to two almost opposite views on RBA, as in one case because it has been used so often and so long, any (re)definition of the term will seem redundant, whereas in the other, given the situation, rights-based work seems like a real innovation. In the latter case, people are to some point even re-questioning whether they are working according to RBA and whether they should be. In an effort to reconcile the two, Oxfam-Novib officially acknowledges that service delivery is in some cases a good entry point for an RBA.

5.6 The Intuitive Implementers

Given the organization's history and strong conviction in that charity-based aid is not the solution and development is based on the fact that people can and should help themselves, it is very unlikely that any employees would not share this view, which confers a commonality throughout all layers and functions. But some, having a more legal background are for instance more familiar with RBAs or at least with their legal component. Others having themselves been involved in civil

struggles or trade unions activity, whether in Europe or outside, will possibly understand aspects of participation and civil society building better. An interviewee mentioned that her professional background as a teacher of 'methodical thinking' ensured she could grasp quite quickly the many elements of RBA as '*in the end, it is exactly the same, with different names, different labels, but it's exactly the same [method]*' (interview 02). She then proceeded to name characteristics as in depth analysis of the problem beforehand, including the legal aspect, the defining of both short term and long term goals, the participation of the 'client' or persons in choosing a solution. Interestingly, she also mentions that '*part of [RBA] is new and you don't use it, for instance, using international law*' (ibid.). Implying thereby that (i) intuition alone might not be enough and (ii) knowledge and use of the legal aspects of RBAs within Oxfam-Novib might not be common. Another interviewee explains that while for gender mainstreaming, a number of questions are predetermined that POs have to ask when appraising a project or partner, it is not the case for RBA, and in her case, she bases her judgement on her personal conviction for sustainable development versus charity '*Organizations that I feel do not look at development from a rights angle, I just don't find it interesting to work with them*' (interview 04). From these examples it becomes clear that the 'gut-feeling factor' can also be an important one influencing people's view and implementation of RBA.

As we are all influenced by our background and experiences in all aspects of life and work, so also is the interpretation of RBA by individuals throughout the organization. Several respondents both from staff bureaus and POs have expressed that '*RBA is not to be reduced to a set of tools; you have to 'feel' it*' (interview 03) and their '*way of doing this is mainly based on gut-feeling*' (interview 04). The name 'intuitive RBA' is explanatory of an instinctive interpretation based on feelings more than reasoning. To some extent it is also inherent to RBAs as they are flexible and therefore offer this room for personal interpretation. Because it is 'instinctive' however, from an organizational point of view, it can create areas of discomfort, for how can one be sure that this intuition will lead to an interpretation and set of practices in line with the organization's vision? And is it not an open door for people to be able to justify any action they undertake? Hence the inconsistency within the same organization and even within the same department with some people expressing the need to operationalise RBA with a set of tools, while others recognise that this cannot be done. Arguably, this human side of interpreting RBAs is intrinsic to these approaches, and upholds principles of active participation and people taking control of all sides of their lives.

5.7 Oxfam-Novib's actual Rights-Based Approaches

Having set out to research how people working with RBAs within Oxfam-Novib perceive these approaches, the findings reveal a wide range of types (or interpretations) of RBAs. Perhaps not completely surprisingly, given the inherent flexibility of interpretation offered by the very idea of RBAs, understanding of what RBAs are and what they entail does not only vary between organizations (official standpoint), they also do within one organization. The chapter reveals

how the interface between different actors combines with the structural and historical specifics of their institutional location to create very different manoeuvring spaces. This creates a messier view of reality than many of the

'deconstructors of development' imply, but arguably a more accurate one. (Harrison in Quarles Van Ufford and Giri 2003b: 103)

Within Oxfam-Novib, types of RBAs are not mutually exclusive, they can sometimes be complementary although they also can be contradictory and they are dynamic. They also illustrate:

- The still ambiguous, sometimes absent understanding and use of rights by employees for their work
- The needs to better comprehend interaction between 'policy making' and practice and use its potential as well as guard for its pitfall
- The importance of structure of the organization as well as agencies of its employees in shaping and implementing RBAs
- The tremendous influence of contextual and organizational factors in shaping RBAs, which if underestimated, and this author argues it has been, risks relaying (H)RBAs to the list of 'development grand ideas' which promises were never met.

Chapter 6 Reflecting on (H)RBAs in a wider context

Based on the findings of this research and elements of the analysis of this paper, this chapter reflects on what it can mean for northern NGOs (and other development actors) to adopt (H)RBAs within the wider context of development. While being cautious to the risk of generalisation or premature conclusions, this chapter aims at giving to the development community adopting, operationalising, studying or evaluating (H)RBAs some food for thoughts.

6.1 A duty to question (H)RBAs

A wide consensus in the development community for the past decade or so has been that (H)RBAs offer the possibility of improving the way 'we do development'. There is no doubt that organizations and individuals in the development field are themselves convinced of some of the positive aspects (H)RBAs can bring to their longer-term work. Some of them have for years known that 'aid' is not the best option and that the purpose of what they have been doing is to organise sustainable projects, so that in the longer term, they would not be needed anymore. Project work should ideally be able to continue without the donors' funds. (H)RBAs, by their very nature, support this view, stepping away from 'aid' to focus on obligations, capacity building and empowerment.

However, as good a purpose as these approaches might have, arguably they were not always "*fought for by the masses in whose name [they are] adopted*" (Uvin 2007: 603). The way (H)RBAs originate, and the way they are implemented and funded, means they have an inherent risks of being prescriptive, imposing one side's choices upon the other side, in the other sides' supposed 'best interests' hence seeking to engender prescribed forms of behaviour in the other party (Freire 1970: 29). So while (H)RBAs conceptually give the opportunity to redress imbalances in power relations, not only between North and South, but also between donor NGO and recipients, there are still many intermediate steps that need to be negotiated if genuine reciprocity is to be the rule. In this as in other issues,

because the power of development agencies in defining what is both the problem and the solution for developing countries is quasi-hegemonic, it is almost impossible to conceive how things could be done differently (Hughes et al. 2005: 66).

One could argue that for this reason alone, development agencies and NGOs have a responsibility in questioning (H)RBAs. Rights-based organizations even more so, as by adopting a rights-based approach whether they openly admit it or not, they have become duty-bearers themselves, whose motives for their work are not solely based on moral values or ethical consideration, but have become obligations. Avoiding a one-way construct of knowledge about (H)RBAs by truly challenging them is therefore not so much a need as a responsibility for northern development actors.

6.2 Tackling contextual and organisational challenges

(H)RBAs themselves and literature on this topic acknowledge that what matters most if these approaches are to deliver on their promises, are different development actors' ways of working and the core priorities in their daily lives with basic rights claims, basic duties and processes. As this research shows, well intended as (H)RBAs may be, they have to be operationalised and internalised within the boundaries of existing operating systems, including within systems of discourse, values, hierarchies, forms of knowledge, and performance and incentive systems that may be intrinsically contradictory to the principles of (H)RBAs themselves. From this study, it emerges that

right-based approaches to development inherently politicise development actors' work by challenging the power structures that not only define decision making at programme level, but also at internal, organizational and personal levels [...] the walls that RBA [comes] up against run deep within institutional structures and the cultures, values and priorities that underpin them (Hughes et al. 2005: 71)

Some aspects of handling these issues might be (i) investing in embracing the framework of rights as a whole; (ii) acknowledging and dealing with the roles of organizational structure and culture, as well as the agencies of employees in shaping RBAs; and (iii) perhaps even refusing the schizophrenic position in which NGOs are driven having to both hold others accountable and to itself be accountable to so many stakeholders with such different interests.

6.3 Taking a ideological and political stand

The difficulties encountered by organizations as structures in order to operationalise and internalise (H)RBAs and the uncomfortable feeling expressed by development workers as people as 'the vagueness of the approach', 'difficulty to grasp the approach' have to do with accepting that to work with such an approach entails accepting to rethink the whole approach to development.

This might mean rejecting the system as it is now as well as the way of working and the way the organization is set up, while having to do this within this very system. Paraphrasing (an ahead of his time) Goulet, it seems that

the cultural values of the [development community] are being destroyed because judges often incompetent to decide declare these values to be incompatible with the "modern" values of productivity, efficiency and impersonal relations (Goulet 1971: 49)

At the moment, the process of mainstreaming is a one-way street wherein elements of RBAs are twitched and turned until they fit the criteria of the current 'result-oriented' context of development. All is formulated and measured in the name of 'aid effectiveness'; NGOs make tremendous efforts to define measurement indicators for such broad and rarely clearly defined concepts as empowerment and participation; Oxfam-Novib spends an overwhelming amount of man-hour to comply with all criteria for the demand of subsidy to the government. But even such a reflective and critical organization has hardly made its voice heard in questioning the premises of development work and how they relate to using RBAs. If NGOs adopting RBAs take their role seriously, should it

not lead to a real rethinking of development, including questioning issues of effectiveness and short-term result? Working according to an (H)RBAs within the boundaries of the existing system and structures seems to some extent to be a *contradictio in terminis*. While an outspoken goal of (H)RBAs for Oxfam is to shift power relations, hence by questioning the status-quo of existing systems of economic, social and political organization, including globally, why should the actual implementation of all (H)RBAs happen within the constraints of this system, which implies taking the status quo as given?

Of course, this is not an easy step to take. It is as much an ideological as a political one, but arguably, right-based NGOs by the very fact of adopting these approaches have perhaps shown their willingness follow this path. For indeed, if development work has become ever less political in the last twenty years or so and if a characteristic of (H)RBAs, which has been on the rise in the last decade or so, is that they are inherently political (Quarles Van Ufford and Giri 2003b, Uvin 2004), then are these approaches maybe the conscious political answer of the development community to the depolitisation of development? If so, is then the pressure to operationalise (H)RBAs according to business-like management-by-results, hence constraining the potential strengths of (H)RBAs, the answer of those who do not want to deal with the political side of development? If so, then NGOs and other development actors surely cannot and should not pass on the opportunity to refuse these premises.

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Appendices

Appendix I – List of Interviewees

Interviews

01. Project Officer - Europa, Centraal Azie en Midden Oosten – Aim-4 – Participated in RBA Learning Trajectory - (not recorded)
02. Staff - Popular Campaigning – Project leader E-motive (Linkis) reversed development – Participated in RBA Learning Trajectory
03. Staff Bureau - Quality & Control (Q&C) – coordinator power analysis development
04. Project Officer – West Africa – Aim-4 – Participated in RBA Learning Trajectory but fell out due to time
05. Project Officer – Pool (flexible - Latijns Amerika en Cariben, Oost en Centraal Afrika, Zuid-Oost Azie
06. Project Officer – Oost en Centraal Afrika – Focal point Aim-1 - Participated in RBA Learning Trajectory
07. Dual interview – 2 staff - Marketing/fundraising – (not recorded)
08. Project Officer – Latijns Amerika en Cariben
09. Project Officer – Zuidelijk Afrika
010. Staff - Learning, Evaluation, Accountability Department - Oxfam America
011. Mondial Strategies and Cooperation – Lobby – Aim-2 and 3 – (recording lost)
012. Mondial Strategies and Cooperation – Lobby – Aim-3 – Since 01 November 2009, Program Manager Aim 3
013. Mondial Strategies and Cooperation - Lobby – Aim-3

Key informants

01. Research & Development – Policy Advisor – for 2,5 years – Since January 2009 Lead person Aim-4 - in charge of RBA
02. Research & Development – Former Policy Advisor – former lead person Aim 4 - RBA expert at ON since 2000

Appendix II– interview guidelines Oxfam-Novib staff

WHY QUALITATIVE INTERVIEWS?

The organization is so big and some people are not much involved in working with Rights-Based Approaches (RBAs) whereas some of them have been involved for quite some time and quite actively. Therefore I would rather concentrate on more in-depth quality interviews with a few key informants to collect information rather than a more quantitative survey.

Moreover, I hope this will help me understanding better the dynamics that are in play within the organization, as well as the power relations involved. It will also serve the double purpose of involving key people into the RBA discussion for both the outcome of my Oxfam Novib (ON) policy paper and my Research Paper (RP).

GOALS OF THE INTERVIEWS

For the policy paper

- Assess awareness and understanding of RBA within the organization
- Assess need / willingness for policy clarification and/or change on RBA
- Define priorities for implementation / operationalisation

For the RP

- Assess awareness and understanding of RBA within the organization
- Understand perception of RBA and its implications at Oxfam International, ON, partner relationships level
- Identify perception of possible organizational change

INTERVIEWS

My intent is to have semi-structured interviews, meaning I will not be using the questions below literally, but more as a guidance to myself on which issues should be addressed during what I hope will be quite informal discussions. I am planning on starting the interviews with informal discussions explaining what I am doing and what people can expect during our talk. This part will not be recorded. I will then proceed to the recorded part of the interview, which should cover the following topics.

First set of questions, which goal it is to clarify how staff understand RBA, how staff understand Oxfam Novib's position on RBA, and the awareness of the position of ON, Oxfam International, and partners on this issue, within Oxfam Novib.

- What is your understanding of what RBA is? Name 3 main characteristics.
- What would you say is Oxfam Novib's position/policy on RBA? How about other Oxfams or ON's partners?
- What does this mean for ON itself as an organization? What does this mean of its relationships with partners? What does it mean for relationships with other Oxfam?

Second set of questions, which goal it is to clarify staff's personal and professional awareness and understanding of RBA and possible consequences or not for their job.

- Do you think you use an RBA in your job, if so how? What makes you say that? If not, any ideas/reasons why?
- In your opinion, has working with an RBA / will working with an RBA impact on your job? Explain why / how.

Third set of questions, which goals it is to understand the perceive urgency to implement RBAs within ON and where to start.

- Do you think ON should be more explicit / implement more clearly RBA? If so, what is the first thing that should happen? If not, why not?
- How has / would a more explicit position on RBA help / not help ON, Oxfam International, partners?

Who to interview?

- Program officers: different countries, different regional bureaux, different aims - Total 4 persons
- Program Linkis - Total 1 person
- Global strategies and cooperation - Total 1 person
- Q&C, particularly involved with Power workshop - Total 2 persons
- Rights in crisis - Total 1 person
- Others based on earlier involvement in RBA issues - Total 3 persons

Total prospect interviews 11, might let it go till 12, but much not more because time issues.

Note from the author

This document was set up within the first weeks of the research and has not been changed to reflect the reality of what happened. The reality of what was achieved, however, is the basis of the research and is used as such in the paper.

Appendix III – Coding and Analysing Example - Interview 02

| Coding | Interview summary – Interview on 10-08-09 | Reflection researcher (post-interview) |
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| <p>RBA Function Background Power Law Knowledge Context</p> | <p>Interviewee started working in the Linkis team of Oxfam Novib in November 2007, right at the time of the first RBA workshop in Accra, Ghana. She replaced a colleague of hers at the workshop who could not be present.</p> <p>She says she has a lot to say about RBA.</p> <p>She is also working for 'inverted development', which means looking for organizations in the South, to make a link with the North and influence public opinion and policy in the Netherlands. She has always been involved in thinking about how to give a chance to the people that have none, or are in less favourable situations.</p> <p>Coming from a past as a therapist, social worker, then development activities in Suriname, then a teacher in the Netherlands for students that become social workers. She says she was interested straight away in this workshop for several reasons: first being able to meet with 17 partners in person straight away, second going to Ghana, third deepening her understanding of RBA itself. She found it difficult to grasp at first, also because she was still searching for her place/ role at the time (being new to the organization). She says she was approached there by partners that assume that because you are with Oxfam Novib, this means you know everything there is to know.</p> <p>When discussing the workshop, she says what stroke her the most were differences. In culture, time, type of organizations, way of thinking (some very law minded, others very grassroot minded).</p> <p>Human Rights was also completely new for her, so she learned a lot about what it entails.</p> <p>Although the RBA is completely new for her and she had to get used to the 'jargon', particularly in English which is not a language she had used a lot, she quickly made a parallel with some of the teaching / training she had herself done called 'methodiek denken'. She says in fact, it is the same but with different labels. She names characteristics as in depth analyse of the problem beforehand, including the legal aspect, the defining of both short term and long term goals, the participation of the 'client' or persons in choosing a solution.</p> <p>Therefore she wonders if RBA can just be described as a way of thinking, which can be applied with different labels.</p> <p>When coming back from the first workshop, she gave a presentation to the colleagues of her department. She was struggling with how to handle that because she had heard RBA had been introduced 5 years before and therefore thought her colleagues would know much more about it than her. During and after the presentation, she realised the people she was talking to did not know anything about RBA: not the jargon, not international</p> | <p>One of the few Oxfam Novib staff to have attended both the Ghana and the Bali workshop.</p> <p>She sounds motivated, happy to be heard on this subject and well informed about it.</p> <p>Notion of inverted development: using the South as resource and knowledge to influence the North. Positive because doing sthing about it, but a/ what does it really mean, b/ what about the term itself and c/ is it not isolated from the rest?</p> <p>Her description of the Ghana workshop confirms a number of things I have heard so far:</p> <ul style="list-style-type: none"> - many staff from Oxfam Novib in the first workshop - difficult relations between Oxfam Novib and partners, particularly on what concerns who has the knowledge, who takes the lead in the workshop... Partners looking up to Oxfam Novib staff, even when new to organization and new to development and might not know much. <p>The description she gives + the parallel indicates she has quite a thorough understanding of RBA.</p> <p>Maybe here she gives a clue on how to introduce RBA within the organization: don't pay much attention to the 'labels'and 'jargon'but introduce RBA as a mindset, a way of thinking.</p> <p>Because of her past as a teacher, she may have good tips on what would work and what wouldn't within the organization</p> <p>Because of her own interest and motivation, it</p> |

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| | <p>law, not what RBA entails. Which makes her conclude that <i>'within Oxfam Novib it was introduced, but it was not introduced'</i>.</p> <p>She says she finds it very strange that to the outside world, Oxfam introduces itself as 'we work with RBA', but most people do not know anything about it, and if you look at things like for instance how the forms people work with, or how they are asked to report on progresses, this is not at all based on RBA.</p> <p>Things that are being 'taught'during the workshop to partners, are not known by most people within Oxfam Novib.</p> <p>Her team of colleagues has done the RBA Self-Audit evaluation. The findings is that part of it you actually do, even though you might not name it the same way (jargon again), but <i>part of it is new and you don't use it, , using international law.</i></p> <p>The first workshop was a lot of trial and error, the program was not decided beforehand, people were thinking it through as they were going, deciding at the end of one day the way it should go on the next day. While this made people (in this case herself, but she also says it was a more general feeling) feel uncomfortable, she herself thought it was both positive and negative.</p> <p>She says the second workshop was much more organised, planned, coordinated. <i>She says also she could notice how the people that were attending both the first and the second one had made steps forward in the meantime and were feeling more comfortable dealing and discussing the RBA in the second one.</i></p> <p>One of the drawbacks was that in the second workshop, some people were new, and so <i>there was a difference of level of understanding and awarness which made it more difficult to manage the workshop.</i></p> <p>She notes that her role changed in the second workshop compared to the first one. <i>In the first one, she felt as a participant but also as part of the coordination team. This was reinforced by common evaluations of the Oxfam Novib people at the end of each day, including the facilitators which in fact were the coordinating persons.</i></p> <p><i>In the second workshop, she was much more only a participant, not being involved in evaluation, neither per day, nor at the end of the workshop with the facilitators of the workshop.</i></p> <p><i>She says she doesn't mind being one or the other, but the difficulty was the change of role between workshop, and also the fact that during the 2nd workshop, some saw her more as a participant, while others would talk to her still as one of the member of the projectgroup.</i></p> <p><i>She filled in an evaluation form as a participant to the workshop, as did all other participants, and then was asked to analyse the evaluation forms of all participants, this from a practical point of view.</i></p> <p>She then proceeds to describe how the follow-up on the workshop in Bali for the project group within Oxfam Novib (and for as far as she can tell also for the partners) <i>has been basically non-existent and how the</i></p> | <p>seems that she picked up the initiative for her department in this field..</p> <p>Confirmation of low level of awareness and understanding about RBA within Oxfam Novib + confirmation of key informant 02 earlier remarks that not enough has been done to train own staff about this topic.</p> <p>Vulnerability of everyone in the group, feeling uncomfortable, but workshop not experienced as less useful.</p> <p>Sounds relieved at the idea that it was better organised, even though first said it was not all negative that the firs tone wasn't. Makes me wonder how other pants experienced this.</p> <p>Says that doesn't have to be a problem, but also says the new people were 'swimming', feels like the difference in insight was experienced more as negative than positive.</p> <p>Here again, lack of clarity of people's role in this RBA trajectory leads to distorted relationships, expectation and to some extend possible frustration. She speaks only for herself in this case, but it would be interesting to know how other Oxfam staff think about it, and it is not difficult to imagine how this has influenced representatives of partners.</p> <p>To me this illustrate one of the challenges of being participatory. On the one hand, it is a good thing to delegate actions to members of the team so that it increase ownership of the project, on the other this makes it more confusing for her (and possibly the Oxfam Novib staff) to understand their role in this process, and possibly also difficult for partners to understand Oxfam Novib staff's role in this process). Moreover, I believe this definitely does not help power</p> |
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| | <p>lack of follow-up and lack of communication about that has possibly had a very negative impact on this project.</p> <p>No feedback has been given on evaluation of the workshop, no follow-up about the action plan, Carin is not sure what happened with the partners, but she feels this project has not been rounded up well, at least for people of the project group within Oxfam Novib. She does realise this could be simply due to a time issue, given the changes at R&D, but still the most simple communication, even about the project being put on hold would have been better than total silence as she has experienced it.</p> <p><i>The little momentum that this project had within Oxfam Novib has been lost, including regular meetings and so on.</i></p> <p>KIC portal has come to a stop as well, whereas in her experience, there were interesting and regular discussion, particularly well monitored and stimulated by facilitator. Nothing is happening anymore on there.</p> <p>Following the workshop in Bali, where people were so motivated and wanted to exchange so much, the lack of follow-up had a very negative impact.</p> <p>She says despite of some technical problems, the exchanges through the KIC portal on a regular basis last year were working well.</p> <p>There would have been ways to delegate things (for instance the organization of chatsessions) to other members of the project team.</p> <p>She has worked further with facilitator on RBA, first within her own team at Oxfam Novib, and from there came the idea that the Linkis partners here in Holland would also be interested by learning more. Most of these partners and Dutch based organization of migrants, which in turn deal with development activities in their countries of origin. A weekend training was organised last June for them. Almost all parties invited showed up, with 1 or 2 representatives. The weekend training was a somewhat adapted version of the RBA workshop in Ghana. It was experienced as a very useful and successful training and will be followed by a second one in January 2010.</p> <p>From this workshop (with Dutch partners), one of the main obstacles that came out for using/applying RBA was awareness and understanding of International Law.</p> <p>Also it reminds people to have another way of thinking, the Rights Approach is not sthing they think of, because they are used to other way of operating. So somehow it forces people to think about another way of dealing with issues.</p> <p>Another obstacle is that people think 'it's all and well with the laws and the human rights, but look at reality and what do we do when these are not respected'.</p> <p>Concretly, people are asking for tools that are easy to use to implement RBA. They want ready to use tools and she says, 'that's not what RBA is, RBA is something</p> | <p>relationships within this project between Oxfam Novib and partners. Strangely, Carin does not see this so much as an issue, but refers to it as a practical solution. I wonder how marjolein thought about it then, and now?</p> <p>She made a very big point of this. Although she's not sure what the partners have heard or seen since then, she is thinking from her own point of view, and that is already frustrating because she put a lot of work and energy in it herself. And she relates that to all present and how bad it reflects on Oxfam Novib and the project group who was seen as taking the lead on this.</p> <p>For sthing as difficult as RBA, which has taken a long time to take off within Oxfam Novib, this losing momentum before the official end of the project could be crucial for lousy follow-up. Whatever is decided as a follow-up, this project needs to be 'closed' in a proper way in order not to create a precedent and stir up frustration and cynicism.</p> <p>Her idea of the KIC portal are contradictory, as she first here seems to indicate it was useful for forum and discussions, but towards the end she says it was not working very well.</p> <p>Here and later, the idea comes back that even within this project and within the Oxfam Novib project group, making sthing participatory is not easy in practice.</p> <p>Similarly as interview 01 has mentioned before, because of a lack of central policy and vision and direction about RBA and on the periphery there are people who are motivated, interested and taking initiatives, the risk is that all kinds of initiatives are taken which have nothing to do with each other.</p> <p>Some of these initiatives are probably good and useful, but a proliferation of diverse small scale initiatives if not coordinated at all, could make it difficult for Oxfam Novib to be coherent internally and externally.</p> |
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| | <p><i>you need to get in your blood slowly but surely.'</i></p> <p>She then names some other aspects of RBA, which according to the workshop with Dutch partners, are difficult to work with. The deeper analysis of a situation beforehand, and participatory approach, of which she says it is easy to say that you are, but when you examine it more closely, what does it mean and is a project really participatory. She names then not only how do we listen to the beneficiaries, but also how do we include them in decision making moments.</p> <p>She then names the holistic approach, and how to make sure what partners do have a real influence on politics. She says many partners are not equipped to do this, (lobby) and don't know how to combine it with their other activities. She suggests working together with 'lobby clubs'.</p> <p>According to these workshops and her evaluation of it, what RBA brings to the partners in Holland is to give them a broader perspective on their work, force them to question the way they have been working all this time and look at how else it can also be done.</p> <p>The results of these workshops are also that as many answers as they give, they also raise many questions to which there are not real answers.</p> <p>From the workshop in Ghana, Bali and in Holland, she says partners also express their frustration and 'onzekerheid' because that they want ready to use, easy tools to implement RBA, particularly because <i>'the donor wants it, so you want to do it well'</i> and <i>'if Oxfam Novib says that RBA is important, then you want RBA to be important also'</i> (<i>'en als Oxfam Novib zegt RBA is belangrijk, dan (...) wil jij ook gewoon dat RBA belangrijk is'</i>).</p> <p>But you don't understand it, it's also a lot at the same time.</p> <p>The weekend with Dutch migrant partners has been evaluated. Partners <i>have suggested to include more about international law</i> in the next weekend, and including many practical examples to make it concrete. She mentions the example of Somalia, and says that these difficult situation, it is better to try to solve them if we discuss it together.</p> <p>I then steer the discussion toward the 'contextuality' issue. And she picks on it immediately in asking in how much if you see the differences between countries and regions, how can you use, re-use, adapt solutions that did work somewhere else.</p> <p>She says some things are very specific to a place, but others can be found everywhere, like corruption. She also mentions how big conglomerates (like Coca-cola) do operate worldwide.</p> <p>She says that even if the solutions are not completely adaptable or can't be replicated, still hearing about how other people in other country deal with it might be inspiring in broadening your vision on how to deal with similar situations.</p> <p>This is maybe a bit different in doing workshop</p> | <p>Interesting ideas here:</p> <ul style="list-style-type: none"> - making trainings modular based on criteria of selections of ppants - goal can also only be widening people's horizons - try to address people's concern about not having ready to use concrete tools, maybe by creating them, but preferably by explaining that's not what RBA is all about <p>Suggestion of cooperation with 'lobby clubs', meaning organization specialised in lobbying...</p> <p>Same trend as cooperation Oxfam Novib with HRW or Oxfam GB and AI?</p> <p>Relationship donor / partner... doesn't seem that RBA is changing this, because still seen as conditionality to get the donor's money.</p> <p>Even if solutions cannot be replicated because contextual, hearing about how other people somewhere else do it can help widen your horizon and start a</p> |
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| | <p>with people with more similar backgrounds.</p> <p>Next to this weekend organised by Oxfam Novib for their Dutch partner, one of the partners (VON) who was present in Bali has also organised their own training weekend (as their action plan, which happened in 2008).</p> <p>I suggest that it could be interesting to make sure that some of their Dutch partners would be present by a next workshop at international level, so as to make sure they do get the more international open way of looking at it.</p> <p>She first disagrees, saying that the type of work these partners do is too different from what other partners do, particularly the circumstances in which they are working (in holland easy and safe compared to some other countries), but then retracts and say she might agree with me, but is confused and can I clarify what I mean, which I do.</p> <p>Then she answers that from a teacher background, she thinks one of the conditions for the learning process to be useful is that the participants need some kind of common ground.</p> <p>The Dutch partners are working in holland and organising actions in other countries, which is different than partners in other countries. Some questions came up in the Dutch partners' workshop that were very specific to them.</p> <p>This makes it more practical straight away for the participants.</p> <p>Linking with this remark, I asked about what she thought about the selection of partners for the Ghana, Bali weekends and while she first thought and said they had enough in common, as she was thinking about it and we were discussing it, she changed her mind somewhat and said that 'maybe the selection could have been done on basis of more thematic commonalities'</p> <p>When asked about first priorities / next steps to move on the RBA trajectory, she first says that her situation is probably different because she has taken the initiative of taking out of it whatever was useful for her, picked up the ball and run with it her own way. She names several reasons for that: the project was too unstable, the project group meetings to unpredictable, the KIC portal did not work really well (!).</p> <p>So she has taken the initiative of operationalising whatever knowledge of RBA she picked up thanks to the learning trajectory into a sustainable, capacity building process for Linkis partners. And whatever comes out of this project, can then be used for other part of the organizations. She also keeps on pushing RBA internally (for instance a colleague of the department has attended the Linkis workshop). She sees possibilities of implementing what is happening at Linkis level for other partners, although does not have a good overview of capacity building possibilities at country/partners level, need for insight from prog. officers, maybe be included in KIC.</p> <p>Hopes that there is a 3rd workshop weekend organised, but even if not, on basis of the workshop so far, develop a model for training that can be used for</p> | <p>process of you thinking in a different way about an issue.</p> <p>After all, you're the best placed to then say whether sthng is useable in your context too, or can be adapted to it.</p> <p>Don't cut possible learning opportunity short too early.</p> <p>Interesting idea about selection of people /partners to ppart in such a training: how different or similar should they be so that the training is as useful as possible.</p> <p>HOW ABOUT INVOLVING THE EDUCATION SPECIALISTS OF OXFAM IN DESIGNING TRAININGS OR AT LEAST GETTING ADVICE FROM AN EDUCATION EXPERT POINT OF VIEW??</p> |
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| | <p>partners and within Oxfam Novib, adapting it depending on ppants (if many lawyers present, then no module on international law, but more emphasis on participation).</p> <p>That would imply a selection of ppants on basis of common grounds (themes or geography, for example).</p> <p>First step for her would be finishing up and rounding up the Bali workshop because the way nothing happens since then and the fact that there has not been any communication about it sends a terrible signal, particularly because so many people put a lot of work and energy into it.</p> <p>Why a 3rd workshop weekend? What would be the goal? Not sure about this.</p> <p>How to move on with this project? Do we really need to go on with trainings? If so, maybe smaller scale? Particularly because it fits with Oxfam Novib's philosophy of capacity building and it is easy to do.</p> <p>Trainings about RBA, the way they have been conducted so far, touch on so many important basic things (like participation) that Carin thinks there is definitely a place for Oxfam Novib to go on with it.</p> <p>Facilitator has been really good in facilitating and organizing the trainings, the form of the trainings was good.</p> <p>It's also good that Oxfam Novib's staff and partners have another way to come in contact with each other. RBA Learning workshop for the staff on the Learning day is also a good idea. Next step is RBA 'handen en voeten gaan geven' (make it concrete, real) thanks to information and training.</p> <p>'it is always difficult when you propose capacity building as donor, how to step out of your role so that people become honest with each other and really learn from each other'</p> <p>In her view, that's why it is important to have a continuity of at least 3 years in such a project, but 'you see, in the 3rd year, it is already almost going wrong' (referring to the process falling apart since last april)</p> <p>One of the solution for preventing it from falling apart is to keep it in a smaller group, but then also very precise and concrete actions. Make the contribution of the project group more participatory as well, but in a way that people have small concrete things to do, lay part of the functioning of such a group in the group. Ask for them to coordinate the next meeting, or prepare input on a subject, or to facilitate discussions on the portal.</p> <p>Even deciding to stop (for instance, the chatting session have no point, so we stop them) or change what to do, should be clearly and openly communicated. Even if it is to communicate how busy you are and that you will need help to pick the projet up, or put it on hold.</p> <p>Her conclusion is: I find this (RBA) a superb topic, which is at the basis of what we all are doing, and the fact that we try to figure it out together. But also very complicated.</p> | <p>Although her thoughts were not clearly ordered on the subject, I think her ideas are as follows:</p> <ul style="list-style-type: none"> - first things first, the RBA learning trajectory needs to be closed in a proper way. This mean ppants need feedback from the Bali workshop, they need to hear the status of the projet right now, even if it is to hear it is on hold, to be informed about Joanne's role, KIC portal status... - she thinks there is a place for a 3rd workshop meeting, even though she doubts it will be take place (budget?) and if it did, it would have to be carefully defined what its goals would be - From the Ghana and Bali workshop as well as from the VON and Linkis team experience of workshops on this issue, a model of training can be / should be developed, if Oxfam Novib is serious about its role as capacity builder / learning organization. This should include what is needed for Oxfam Novib's staff and for partners. <p>The RBA learning trajectory according to her was very useful, but in danger of having very little continuity</p> <p>Oxfam Novib cannot really afford not to pick up RBA and think through what to do with it, given as it emphasises to the outside world how it works with RBA + its philosophy as learning organization.</p> <p>A challenge will always remain the donor / partner relationship</p> <p>Maybe downscale before upscale, looking more at having a small group with enough commonalities work well and getting stronger first.</p> <p>Moreover make it really genuinely participatory, including really delegating tasks to the 4 or 5 people within Oxfam Novib.</p> <p><i>Note Sophie: also delegating tasks to some of the partners.</i></p> <p><i>Actually, at this point I'm thinking creating a taskforce made of partners that will be phased out to coordinate on a strategic basis (GYLA for ex.). This way splitting the donor/genuine partner dichotomy.</i></p> <p>Guess what: communication problems!</p> |
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Appendix IV – Official Stances of UN agencies on HRBAs

HRBA within the UN context

UN agencies have in the last few years made efforts to align their efforts and make the way in which they work more efficient. An aspect of this has been to find common understanding on many concepts, not lastly HRBAs.

UN Agencies Common Understanding on Human Rights-Based Approach

1. All programmes of development co-operation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
2. Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.
3. Development cooperation contributes to the development of the capacities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to claim their rights.

(UNDG 2003)

In its introduction, this document describes several UN agencies as adopting an HRBA to development cooperation as an answer to the call of the secretary general to 'mainstream human rights into their various activities and programmes' (UNDG 2003: 1). The reason for this common understanding is the need to unify their interpretation and ways of operationalising an HRBA between agencies.

The UN in this document emphasises the importance of promoting and fulfilling Human Rights ('further the realisation'), accentuating the positive duties and playing a proactive role in realising the rights of people. Underlining the importance of right standards and principles derived from HR instruments, among which the indivisibility of rights, this document reaffirms that also within the context of HRBA, both CPR and ESCR are equally important. It also clearly defines an HRBA as a multilevel development cooperation, which should contribute to improve both rights-holders and duty-bearers capacities. Although it is grounded in the respect of human rights (HR), this text does not include the negative duties not to impede others' access to rights, neither does it include the denouncing of HR violations as a element of an HRBA.

Whilst this common understanding defines that within an HRBA, HR determines the relationships between rights-holders and duty-bearers, at no point does it mention redressing imbalances of power, whether as a need, a means or an end. This UN document is, as often is the case, devoid of anything politically tainted, which gives the idea that the parallel capacity development of rights-holders and duty-bearers happens in harmony, not acknowledging possible issues of power imbalances. In this sense, it steers clear from taking the political stand so many agree is a strong potential of (H)RBAs. Outlining somewhat of a broad and conceptual agreement also means this text

avoids explaining further how these elements should be realised, thereby keeping silent on issues of accountability and operationalisation. Interestingly, some of these issues are handled in a somewhat different ways by some of the specific UN agencies concerned with implementation of the HRBA.

UN Development Programme (UNDP)

The UNDP is one of the agencies working the longest with HRBA and with the most extensive documented policy and operational experience. Exposing what it refers to as 'myths and misconceptions about HR' (UNDP 2006a: 5), UNDP refutes two of the strong criticisms about HR: that ESCR are not really HR and that HR emphasize the individual over the community, in this way aligning its policy with the UN common understanding, respecting the indivisibility and non-discrimination principles of HR. Going further than the General Common Understanding of the UN, UNDP explicitly defines its role as both reactive (protecting from violation) and proactive (positively promote rights) (ibid.: 4).

Possibly pertaining to its role as HRBA implementer, UNDP goes further in identifying difficulties it faced when implementing this approach in practice. Although it proposes a concrete check list for applying this approach to cooperation and programming (ibid.: 8,9), the UNDP nevertheless affirms that 'applying an HRBA is always work in progress' which 'involves applying international human rights values, principles, standards and goals in all stages of policy, programme and project formulation' (p.6). The agency also emphasizes that the need for capacity development for adopting an HRBA begins 'at home first' (p.24), thereby acknowledging operational challenges ahead. This policy also recognizes the importance of internalizing the values of HR, both at a personal and institutional level and that this in itself means a profound change in the way the agency approaches projects (p.56). Noticeably, although UNDP recognizes that 'Human rights are undoubtedly about power and empowerment' (ibid.: 4), it does not describe a shift in power relations as an end or a means as such.

Anticipating the issue of accountability, UNDP underlines the importance of monitoring and evaluation and the necessity to develop appropriate indicators and tools to do so. However the document admits that indicators to monitor the violations of HR are in a further stage than those by which the progress of realizing HR can be evaluated. It suggests that methodology in this field is both a challenge and an opportunity for partnership between the HR community and the development community. (p.64)

UN Office of the High Commissioner for Human Rights (UN-OHCHR)

Given its prominent role in the HR context, the OHCHR is also crucial in defining how the HRBA has evolved in the UN context. The UN-OHCHR describes HRBA as

a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyse inequalities, which lie at the heart of development problems and redress

discriminatory practices and unjust distributions of power that impede development progress (UN-OHCHR 2006).

Similarly to UNDP, this agency regards HRBA as a framework to protect and to fulfill HR. More clearly than other UN agencies, OHCHR puts redressing unjust distribution of power at the core of what an HRBA does. This document later states that using rights to influence power distribution is an added-value of a human rights-based approach and that transforming existing distributions of power is the cornerstone of this approach (ibid.: 18). UN-OHCHR also touches on issues of its own accountability, although while accepting it, it offers in this document few concrete solutions (ibid.: iii,25). Highlighting the issue of HRBA operationalisation by agencies, this document also underlines that

If staff perceive mainstreaming gender (or human rights) as a bureaucratic or technical requirement without real implications for their own work, and if internal incentive structures are weak and lines of accountability unclear, the approach may have no impact. (ibid.: 19)

Appendix V – Comparison RBA elements UN/Oxfam America/Care (Source Rand et al. 2007)

TABLE 6 Comparison of RBA Elements identified by RBA Learning Project with Other RBA Frameworks

| RBA Learning Project "Essential Elements" | Oxfam America RBA Framework ⁹ | CARE Unifying Framework for Poverty Eradication & Social Justice ¹⁰ and CI Programming Principles ¹¹ | UN Statement of Common Understanding ¹² | UN High Commissioner for Human Rights RBA Definition ¹³ |
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| 1. Thorough analysis of underlying causes, of poverty including explicit and ongoing analyses of power, gender and risk | Analysis of power structures, exclusionary mechanisms and failure of duty-bearers to meet obligations, including a strategic RBA Lens Analysis: What are the rights being violated? Who are the actors and duty-bearers? What are their obligations? What are the entry points for civil society? How can rights be upheld? | Analysis identifies and addresses underlying causes of poverty and rights denial. Focus on four underlying causal categories: gender inequality, social exclusion, unmet rights to access to resources and services, and poor governance. Projects promote just and non-violent means for preventing and resolving conflicts. | Project assessment identifies human rights claims, rights-holders and duty-bearers and underlying structural causes for non-realization of rights | |
| 2. Community-centered development, including building sustainable capacity to claim rights and to drive decision-making | Communities and individuals empowered to know and claim their rights | Organization stands in solidarity with poor and marginalized people, and supports their efforts to take control of their own lives and to fulfill their rights. Projects ensure that key participants representing affected people are involved at all stages; build capacity to access resources, markets and social services; build capacity to exercise voice; build organizational capacity; promote civil society participation. | Assessment gauges capacity of rights-holders to claim rights. Projects and programs build the capacity of rights-holders to claim their rights | Empowerment – people (rights-owners) are at the center of the development process and have the power to improve their own communities and influence <i>their own destiny</i> Participation of rights-holders in an active, free and meaningful way, to access information, to take part in decision-making, and to access complaints and redress mechanisms |
| 3. Duty-bearers engaged, strengthened and held accountable | Those responsible for respecting, protecting and fulfilling people's rights identified and held accountable | Organization seeks ways to be held accountable to poor and marginalized people whose rights are denied; projects identify those with obligations and support and encourage their efforts to fulfill their responsibilities; promote civil society participation, accountability, equitable distribution of capital and assets, open and equitable systems, sound environmental stewardship. | Assessment gauges capacity of duty-bearers to fulfill obligations. Projects and programs build the capacity of duty-bearers to meet their obligations | Accountability – obligations of duty-bearers to protect, promote and fulfill rights are strengthened |

⁹ Oxfam America. RBA Framework: understanding emerged from an RBA workshop in Cambodia held in 2002. Oxfam America internal training documents.
¹⁰ McCoston, M.K. Moving CARE's Programming Forward. Summary Paper: Unifying Framework for Poverty Eradication & Social Justice & Underlying Causes of Poverty. October 2004.
¹¹ CARE International Programming Principles. undated.
¹² http://www.unsystem.org/scn/Publications/AnnualMeeting/SCN31/3L_humanrights.htm
¹³ www.unhcr.ch/development/approaches.html

| RBA Learning Project "Essential Elements" | Oxfam America RBA Framework | CARE Unifying Framework for Poverty Eradication & Social Justice | UN Statement of Common Understanding | UN High Commissioner for Human Rights RBA Definition |
|--|--|---|--|---|
| 4. Advocacy for sustainable change in policy and practice | The RBA Lens Analysis helps identify actors and strategies for action, which leads to greater empowerment, accountability and transparency and eventually to the fulfillment of human rights | Work with others to maximize impact, build alliances and partnerships with those...who have responsibility to fulfill rights, and alleviate poverty through policy change and enforcement; work toward open and equitable government systems; social assistance protection; fair domestic and international regulatory framework; strong and fair environment for economic growth; conflict mitigation. | | |
| 5. Alliance building | Oxfam has always worked with partner organizations for its program work. A rights-based approach calls Oxfam to also engage in campaigning, advocacy, awareness raising and alliance building | Build alliances and partnerships with those who offer complementary approaches, are able to adopt effective programming approaches on a larger scale, and/or who have responsibility to fulfill rights and reduce poverty through policy change and enforcement. | | |
| 6. Working at multiple levels (e.g., local, national, international) | Multi-level nature of rights violations and obligations recognized | Underlying causes are most often the result of interaction of political, social, economic and environmental factors related to systemic and structural underpinnings of underdevelopment at societal and global levels. | | |
| 7. Focus on groups that are marginalized and discriminated against | Human beings' inherent dignity entitles them to a core set of rights that cannot be given or taken away. Oxfam's aims focus on sustainable livelihood; education and health; life and security; the right to be heard; and the right to equity | Oppose discrimination and the denial of rights based on sex, race, nationality, ethnicity, class, religion, age, physical ability, caste, opinion or sexual orientation. Focus on improving social equity so that people can live a life of dignity without discrimination; promote and facilitate social inclusion. | All projects contribute directly to the realization of one or several human rights | Non-discrimination and attention to vulnerable groups |
| 8. Problems framed as rights issues and linked to international, national or customary standards | Grounded in and gains legitimacy from the rights enshrined in international and national law | By identifying and addressing underlying causes of poverty and rights denial, focus of problem analysis is on human rights issues. (No explicit reference to international, national or customary standards) | Projects are informed by recommendations of international human rights bodies and mechanisms Human rights standards and principles from human rights instruments guide all programming: Universality & Inalienability; Indivisibility; Inter-dependence; Equality and non-discrimination; Participation and inclusion; Accountability and rule of law Both outcomes and processes are monitored and evaluated, guided by human rights standards and principles | There is an express linkage to human rights |

Appendix VI – PANEL definition of Oxfam-Novib

In one of the presentations dated June 2008 and aimed at Oxfam-Novib staff members (*source key informant 01*), R&D defines:

P articipation

People themselves are the most capable of realizing change. Therefore in all the programs, the rights holders are initiators of and/or active in the analysis, design and implementation.

A ccountability

The programs aim at making the policy formulation process more transparent and empowering people and communities to hold those who have a duty to act accountable, ensuring effective remedies where rights are violated. Similarly, Oxfam-Novib is accountable to the people it serves, its partners and allies as well as its donors and supporters.

N on-discrimination

Oxfam-Novib's work is grounded in the firm conviction that all people everywhere are entitled to all rights. It therefore supports program, which aim at realizing everyone's rights regardless of age, sex, religion, ethnicity or political convictions and projects aimed at redressing inequalities in this regard.

E quity/E mpowerment

Oxfam-Novib is convinced that all people are born equal in rights and dignity and that respect for human rights will help lift people out of poverty and injustice. Critically engaging with the rich and powerful to protect and promote equal rights and strengthening the power of poor and excluded people to redress inequalities is therefore at the core of its programs.

L aw

In all its action Oxfam-Novib's ultimate goal is to enable people to exercise their rights as enshrined in international human rights instruments and international law and manage their own lives.

Appendix VII – RBA Learning Trajectory, Gender trainings & Power Analysis workshops

RBA learning trajectory project

(Extract of the Project Description – Internal Oxfam-Novib document – 2007)

Project objective

The project aims at contributing to further operationalisation of RBA, active citizenship and inclusive democracy. The project will take 3 years and will engage 15 – 20 counterparts (1-2 per region) as well as staff of Oxfam-Novib. It is expected to lead to improved RBA performance of both Oxfam-Novib and its counterparts. It helps determine and specify the way Oxfam-Novib and its partners work with a rights-based approach, to further strengthen our RBA work through its operationalisation, to give substance to what constitutes 'active citizenship', and to work towards 'inclusive democracy'.

Main activities

Three international RBA meetings will take place throughout the 3 –year project period, which the selected counterparts and relevant Oxfam-Novib staff will attend. The first kick-off meeting will take place in February 2008. During this meeting, each counterpart will develop an individual plan of action, which will be implemented throughout 2008. The second meeting will take place at the end of 2008, during which counterparts will share the lessons learned on improved RBA performance. The third meeting will take place at the end of 2009 during which a constituency for inclusive democracy will be developed, the project will be evaluated (has it led to more impact) and the project will be linked up to projects on power analysis and gender justice. The practices of the different counterparts will be documented and shared on the KIC portal. In addition, some of the participating Counterparts will carry out a Civil Society Index in their country with assistance from the CSI team of Civicus. These counterparts will share the lessons learned on the CSI process on the KIC portal and during the second and third meeting.

Expected outputs

- A position paper on the rights-based approach
- Active use of CSI indices in at least 10 countries as a starting point for our RBA work
- Concrete suggestions for Counterparts and programme officers (and other Oxfams) wishing to strengthen RBA work in their portfolio

Expected outcomes

10-15 counterparts (1-2 per region) involved in pilot have demonstratively improved their RBA work. Jointly with Civicus, CSIs have been carried out in

all of the countries of participating partners. In those countries a dialogue between civil society, the corporate sector and the State has started.

Status of the project at the time of the research

Evaluation of the project so far is mixed. The counterpart organizations taking part in the RBA learning trajectory are already busy and often part of overworked teams. Many work in difficult environments and with isolated communities. Access to technology is limited for a number of the organizations. Therefore while most of the organizations like the idea of participating in the process, the learning trajectory is a low priority in terms of their daily working life and tasks. The incentive for counterparts to participate must be stronger than the obstacles not to. Furthermore, lack of continuity (both at the partners' and from Oxfam-Novib) as well as lack of resources has been undermining this project. From a process point of view, a difficulty encountered was the unclarity of the roles of Oxfam-Novib staff involved. Hovering between a role as participants in the same capacity as the representatives of partner organizations and that of funder and facilitator of the process has been difficult to navigate Oxfam-Novib staff themselves and others involved. The most successful elements of this project have been the 2 workshop weekends organised whereby exchanges of experiences with RBA, sharing of best practices and discussions on the implementation process was done in person. These have also stimulated 'south-south' collaboration between partners and have certainly contributed to Oxfam-Novib realising the need to clarify its position on RBA and look further at implementation within its own offices.

Gender trainings

Core training sessions on gender issues focus on the essential topics and skills that are needed for the implementation of Oxfam-Novib Gender Justice policy: gender mainstreaming training, building communication skills to dialogue on gender with partners, the implementation of the target of 70% women targeted by projects.

These training sessions are in the first place designed for staff POs, team global programming and the team of 'reversed development/Linkis', R&D and Q&C who are obliged to follow 3 days of gender training per year. There is an average of 10 to 15 gender trainings per year, and their organizations and content have been mainstreamed through inclusion in Personnel and Organization department.

Gender mainstreaming is a process where a lot has been invested within Oxfam-Novib in the last few years. Position and policy papers are thoroughly developed, targets and measurement indicators implemented, trainings and man-hours committed. This orientation of Oxfam-Novib is clearly grounded in Aim 5, the right to an identity and clearly leans on Women's rights. It has also become a clear crosscutting element of Oxfam-Novib's and its partners' work since 1990s: policies, goals and tools were formulated and designed and ON was increasingly recognised as a leader in the field of Gender Justice. In 2001

there was a positive evaluation of the results of ON's gender policy (Gender Justice: Empowerment and Exclusion – Oxfam-Novib – June 2007).

Power Analysis workshops

(Extract of the Power Analysis Communique – February 2009 – Oxfam Novib Intranet)

Why using a power lens in our work?

The MBN evaluation on Civil Society Participation, concluded in December 2005, used a power framework for analysis and revealed useful insights into the effectiveness of rights-oriented programming. As a follow-up of this evaluation Oxfam Novib decided to strengthen its capacity to undertake power analysis, notably at the level of strategy development (SPMs) and its relations counterparts. Using a rights-based approach implies an aim to shift existing power relations in favour of poor and marginalised people. An explicit analysis of these power relations is useful in revealing the ways in which our work contributes to these power shifts. While the present Oxfam Novib strategies (SPMs) are based amongst others on an analysis of levels of poverty, they are far less explicit about prevailing power relations and opportunities and needs to shift these. Yes, we do make an inventory of actors and factors in our strategic plans for countries and regions, either as conducive to the success of the strategy, or as forms of potential sources of risk. The power relations between those actors however, including our counterparts and ourselves, are not really analysed in-depth or made explicit. We believe that such an analysis, particularly using alternative forms of power beyond the dominant view of domination or control of one over another, is necessary in order to understand better why prevailing power relations exist, perpetuate and reinforce themselves. Such insights will help us to identify which actors to engage with in the first place and to engage with them more effectively.

The learning trajectory

The aim was to explore and develop methods and approaches which would help staff become more strategic and coherent in their efforts to shift power relations, and to better manage the five organizational aims in synergy. We were interested to undertake pilots at the level of an SPM, a counterpart and a theme. During the initial framing workshop, action research plans were developed to apply power analysis on pieces of ongoing work such as the Publish What you Pay campaign in Africa; the Global conference on Aids in Mexico; the Climate Change campaign; the role and spaces of civil society in negotiations between the EU and Central America in Brussels and the possibility to engage in a multi-stakeholder initiative on palm oil. This was done against the background of a variety of power tools, methods and concepts that were introduced.

Other Oxfams interested

There are several opportunities to engage with other Oxfams on this work. Oxfam GB recently applied power analysis in their work on the Right to be Heard. Oxfam Intermon is planning to engage in work on power relations

as well. In Mali, the OI country team participated in a power analysis training which will enhance their strategic planning later on in the year.

9 reasons to do a power analysis:

- - With power analysis we gain more insight that enable us to make better informed choices, undertake more strategic actions, leading to better impact.
- - We will have a clearer story on the effectiveness of our work, including an understanding of the obstacles and disappointments we face; the reasons why things have not worked the way we expected.
- - As such, it will reveal the validity of our assumptions.
- - It opens up a dialogue about our core values, which increases our transparency, also vis-à-vis counterparts
- - It will clarify the mutual expectations and roles of Oxfam Novib and counterparts
- - It might very well lead to more conflict as hidden differences or conflicting interests come to the surface. This will provide a basis though for more productive debates.
- - It will encourage a –desired- risk-taking culture. Awareness of our own power makes us more pro-active in running calculated risk and insight in the relations between actors will lead us to engage with the not-so-usual suspects and more easily think of alternative ways of engagement beyond funding counterparts.
- - It might help brake through a ‘political paralysis’ when working in coalitions.
- - It will give clarity, flesh on the bones of the Rights Based Approach

Appendix VIII– Oxfam-Novib structure & roles of departments

The Structure of Oxfam Novib

Novib was funded in 1956, among others as a response to the overwhelming financial aid that came pouring in from abroad to help The Netherlands population over 3 years earlier during the historic floods. Wanting to engage the Dutch public as much as possible, and to promote this humanitarian impulse in order to look after poverty and disaster internationally, Novib's activities were at first characterised mainly by campaigns to combat hunger, disease and to provide emergency relief to the displaced. It was in 1994, that Novib first became a full member of the international Oxfam family of NGOs, one of 13 NGOs that now together see themselves as:

fighting for a just world without poverty. Together with people, organizations, businesses and governments. Through projects and lobby. Locally and internationally. Because poverty and injustice are global problems. They are about unjust economic and political relationships ¹⁶.

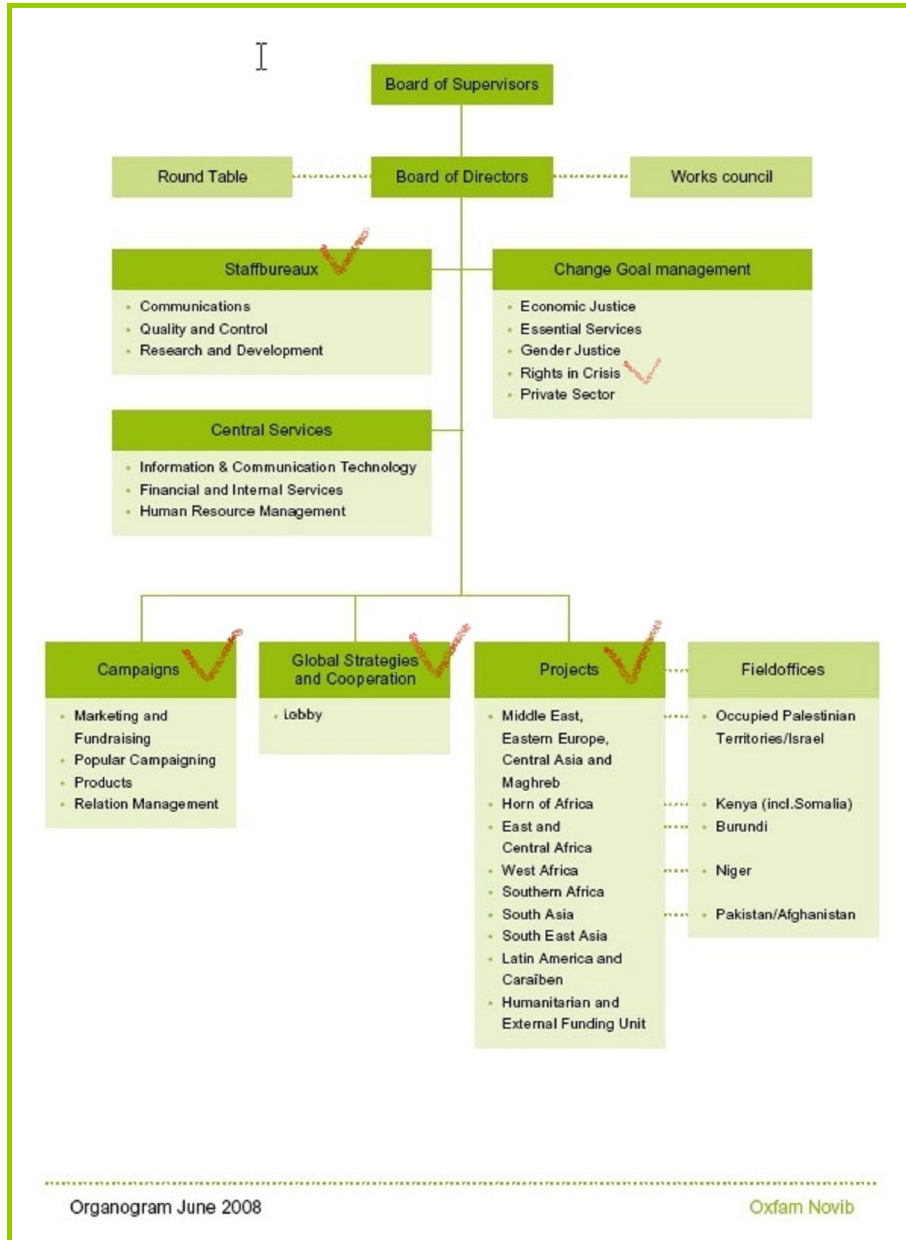
The organization currently employs some 300 staff members and works with over 900 partner organizations in 63 countries (both the number of partners and countries will be reduced within the next few years). As for many other NGOs, although on began as a charitable relief organization, from the beginning concerned it was concerned to engage people and civil society players in the Netherlands as well as in developing countries in its work. Figure III-a below shows an overview of the organization as per June 2008. Mainly due to time constraints and the availability of people to interview, only a number of key departments were studied in this research looking into RBAs (marked in red in de figure).

Roles and interactions of the different departments

Staff bureaux

In their respective areas of expertise, the bureaux shape the positioning of Oxfam-Novib as an organization and its 'shared development vision' in the longer term. The bureaux are also responsible for developing the strategies to implement these shared visions through the organization and to some extent to lead or participate in the choice of tools, methods and design of programmes that can facilitate implementation of such shared visions. One of these shared visions are the basic rights goals that Oxfam-Novib sees itself as promoting, collectively (as detailed in Chapter 3). Interestingly, the Research and Development (R&D) department is currently in the process of assessing and redefining its core function and re-affirming its positioning within ON.

¹⁶ Oxfam Novib website, accessed 07-08-09



Although discussions are ongoing on this matter, what emerges is that

“R&D contributes to elaborating Oxfam Novib’s policy and vision and supporting its implementation by advising management and staff, learning from research, innovation and experience, and contributing to internal and external debates”¹⁷.

This department, as it has been observed, and as it is described in the documentation of Oxfam-Novib, mainly acts in an advisory capacity, advising both management but also other branches within the organization focused on regions or tasks and issues. One of the main differences between the Research & Development Department and the two other staff bureaus which has been

¹⁷ based on internal discussions and informal communication, as per 29-09-2009

observed, and is proposed tentatively, is that advice originating from R&D might be perceived to be more declaratory and goals-oriented than practical or mandatory for the operations of others. In this sense, output from the Quality and Control division has more often than not concrete effects on operational work, and how it is done, than advice on Rights-Based issues. This is particularly so for the project department, where the key overseas expenditure decisions are implemented.

The R&D department has had a crucial role in shaping Oxfam-Novib's organizational vision of what it is doing. R&D defines its role as the motor of Oxfam-Novib on issues of innovation, knowledge management and policy development (internal presentation – Strategy Day – October 2009). This is at the core of the learning and capacity development process for employees. Linking where appropriate with competencies brought in from outside, including from the academic world, the R&D department has identified a number of key areas and developed information sessions and trainings for Oxfam-Novib staff and partners in these key issues.

Change Goal Management (newly renamed Programme Managers)

Programme Managers, in their respective thematic areas, are responsible for developing Oxfam-Novib's strategy, for monitoring its implementation. No one else at management level has a thematic specialization, nor does any other middle-management have the time to follow thematic work in enough detail to be able to steer in these areas. Programme Manager is a newly created function in Oxfam-Novib. With responsibility for delivering the Strategic Plan and the Annual Report for each aim (with important exceptions¹⁸), writing the Aim sections of the business plan, and being tasked with retaining an overview of the respective "Aim" programmes, the role has evolved from only being responsible for Oxfam-Novib's joint work with other affiliates under the Oxfam-International Change Goals. Comparing this description of their task with the description of R&D and Lobby, it becomes clear that there are areas of potential overlap and shared responsibilities, which are the subject of ongoing internal discussions and possible future reorganization. (internal presentation – Strategy Day – October 2009)

Campaigns

While this department handles many different tasks, this research particularly concentrates on the aspects of campaigning and fundraising. The campaigning activities have the dual role of influencing government decisions, for instance in the case of the 'control arms' campaign, as well as contributing to exposing the organization's position on various issues to the public at large. The role of the fundraising activities on the other hand is to collect the non-

¹⁸ Exceptions include: Private Sector PM does not have to provide this, but input into others; EJ PM gets additional support from R&D due to range of content under Aim 1; Aim 4 has no programme manager, so R&D has full responsibility at the moment

governmental financial resources of the organization hence also positioning the organization in the eyes of the donors in the Netherlands. Whereas from the fundraising point of view, the activities are focused on the Dutch market, some campaigns can be tailor made for this country, while others concentrate on international issues and are realised in collaboration with other Oxfams or other NGOs.

Global strategies and cooperation

This department regroups Global Campaigning and Lobby functions. The former is responsible for coordinating and rolling-out international campaigns in the name of Oxfam, including international campaigns to raise awareness on issues cutting through all activities of the Oxfam members. Due to time and priorities, this branch of Oxfam-Novib was not studied during this research. The department of lobbyists' main role is 'to influence external, national and international decision-makers to take on Oxfam Novib's/Oxfam International's policy standpoints and contribute to implementing them' (internal presentation – Strategy Day – October 2009). The Lobby team provides input for development of ON policy, shapes discussion outside of ON by participating in debates and discussions, sets part of the research agenda, leads and coordinates lobbying activities of Oxfam International. Comparing this description with that of R&D and Lobby, it becomes clear that there are areas of potential overlap and shared responsibilities, which are the subject of ongoing internal discussions and possible future reorganization.

Projects

The projects department is the largest in terms of the number of people employed and is best described as 'the core of the business'. The R&D is one of the smallest. The staff of the Projects Department are responsible for appraising potential projects and partners, deciding which will be financially supported by ON, finalising the terms of the partnership programmes and the budget to be allocated, as well as continuously monitoring progresses and participating in evaluation and reporting back on progress of the projects. The programme officers are the first and main contact of partner organizations, and oftentimes for the outside world of 'beneficiaries' or 'partners' these individuals represent Oxfam-Novib; their gatekeeper role can be so central that it appears from the partner organization's point of view that the programme officers are Oxfam-Novib (*internal presentation – Strategy Day – October 2009*)

I conducted interviews with several POs, who were responsible for partnerships in diverse regions of the world and specialised in different aims. These discussions revealed that project proposals are assessed on the basis of targeting of how funds are spent, probably even more than on the quality of their assessment of the partners or projects. The POs' tasks are multiple, and they assess projects in the short term, a process facilitated and regulated by a range of appraisal tools, which are laid down in the so-called Oxfam 'toolbox'. There is also a computer programmes used by POs to assess and report back on project proposals and funding decisions. The POs are also assisted by numerous workshops and training sessions, which are to help them grasp

concepts and learn how to use the tools, as well as to understand the organization's vision. Such training is intended above all to stimulate reflexivity on the part of Project Officers regarding issues like as gender, power relations, as per today, and perhaps surprisingly, issues related to rights are not handled in these sessions. While being at the core of the business gives some kind of authority to this department, it is interesting to note that it was often commented on informally that their status within the internal hierarchical order of Oxfam-Novib seems to be perceived both by themselves and other department as at 'the bottom' of the ladder. More often than not programme officers are viewed as 'recipients' of trainings or knowledge, rather than being relied on for their expertise or insights and used to train others. They feel they are the 'workhorses' of the organization, they 'have to implement policies' but always as defined by management and policy oriented departments, like R&D. The reality is that programme officers are most often overloaded with work commitments, tend to be the ones struggling to meet the tightest deadlines and are sometimes forced to prioritise the 'urgent' over the 'very important' (*author's research diaries - June-October 2009*).