Understanding the Rights based Approach and it's Role in Poverty Reduction

Wambua Leonard Munyao, PhD
Lecturer
Management University of Africa
School of Business and Leadership
P.O Box 456 00100, Nairobi
Kenya

Abstract

Proper understanding of the rights based approach is key to it's effective use in eradication of poverty . Poverty in rights based development is viewed as a condition resulted by violation of the poor man's social cultural and economic rights . Proper understanding of the role of the government as a duty bearer is key to effective advocacy in championing the rights of the poor people. Proper understanding of the role of this poverty reducing strategy enables stake holder appreciate the need to empower the government as duty bearer as well as building the capacity of the poor people as duty holders. Rights based approach addresses poverty by promoting good governance whereby the state governs bearing in mind it's role of protecting the rights of the duty bearers. The approach further brings about social justice as well enabling achieving of the millennium development goals in a country. By monitoring the the national budgets effective advocacy is attained .

Key words: Human Rights, Rights Based Right, Poverty

1. Introduction

1.1 Definition of rights based approach to poverty reduction

Rights-Based Approach (RBA) is the practice of applying the norms and standards set out in international human rights law to policies and practices related to development (UNDP, 2007:1). It is based on the observation that sustainable human development relies upon and contributes to the joint exercise of social, economic, civil, political and cultural rights (UNDP 2007:1). The core principles of the approach are universality, accountability and participation (UNDP 2007:1). Boesek and Martin (2007:11) point out that one of the most fundamental dynamics of a rights-based approach is that every human being is a rights-holder and that every human right has a corresponding duty bearer. They further maintain that the right holder is entitled to claim rights, hold the duty bearer accountable and has a responsibility to respect the rights of others.

Human rights are universal legal guarantees protecting individuals and groups against actions and omissions that interfere with fundamental freedoms, entitlements and human dignity (UNHCHR 2006:1). Human rights law obliges Governments (principally) and others duty-bearers to do certain things and prevents them from doing other (UNHCHR 2006:1). UNHCHR (2006:1) identifies human rights as universal, equal indivisible and interdependent as well as legally and internationally protected. UNHCHR (2006:1) further points out that other characteristics of human rights is that they focus on the inherent dignity and equal worth of all human beings, impose obligations of action and omission, particularly on state and state actors and cannot be waived or taken away.

Codified in international, regional and national legal systems, human rights constitute a set of performance standards against which duty-bearers at all levels of society but especially organs of the State can be held accountable (UNHCHR 2006:1). As already stated, all human rights are equally important and this is affirmed by the 1948 Universal Declaration of Human Rights which made it clear that human rights of all kinds— economic, political, civil, cultural and social—are of equal validity and importance (UNHCHR 2006:2). Moreover, human rights are indivisible and interdependent and the principle of their indivisibility recognizes that no human right is inherently inferior to any other (UNHCHR 2006:2). Poverty reduction is addressed by among others the social economic right (UNHCHR 2006:3).

Those who have the obligation to respect, protect, and fulfill the rights of the rights holder are duty bearers and the overall responsibility for meeting human rights obligations rests with the state as duty bearer (Boesek and Martin 2007:11). This responsibility includes all the organs of the state such as Parliaments, ministries, local authorities, judges and justice authorities, police, teachers or extension workers and all these are legal duty bearers (Boesek and Martin 2007:11). The following tangible results associated with Rights based approach to poverty reduction make it a very useful approach to poverty reduction.

2.0 Effects of successful application of Rights Based Approach to Poverty Reduction

- **Enabling Achieving of the Millennium Development Goals**

Millennium Development Goals are eight international development goals that all 189 United Nations member states by the year 2000 had committed themselves to achieve by the year 2015 (Todaro and Smith 2009:2). The Millennium Development Goals are important milestones for the realization of the often neglected economic and social rights (UNHCHR 2006:8). The millennium development goals help in ensuring countries committed to achieving them remain focused on realizing development of their countries without neglecting any of the eight areas of development concerns. Human rights help sharpen the strategies for achieving the Goals by addressing the discrimination, exclusion, powerlessness and accountability failures that lie at the root of poverty and other development problems (UNHCHR 2006:8). Eradication of extreme poverty and hunger is cited as one of these important millennium development goals.

As pointed out by UNHCHR (2006:8), human rights strengthen efforts to achieve the Millennium Development Goals which include reinforcing the legitimacy of the Goals' implementation strategies by building upon human rights treaty obligations voluntarily undertaken by Governments as well as enhancing the sustainability of the strategies to meet the Goals, looking beyond global 'averages' to address the root causes of poverty and underdevelopment, including patterns of discrimination against particular groups.

Human rights further build participatory and empowering strategies upon civil and political rights; and factoring in human rights processes and institutions e.g. courts, national human rights institutions, informal justice systems and mechanisms at the international level (including the treaty bodies), do strengthen transparency and accountability for the achievement of the Millennium Development Goals (UNHCHR 2006:8).

The Millennium Development Goals and human rights both aim at monitoring the progressive realization of certain human rights such as social economic rights . Delivering these rights by the state ensure development gains are shared by all in a country. There are periodic reporting processes for each goals at both national and international levels (UNHCHR 2006:8). The rights based approach to poverty reduction will remain cardinal not only in realizing the ambitious millennium development goals but also in ensuring good governance which is key to achieving any meaningful community development .

- **Right based Approach Promotes Good Governance**

Poverty reduction heavily relies on good governance. Governance refers to mechanisms, institutions and processes through which authority is exercised in the conduct of public affairs (UNCHRC 2006: 10). Human rights strengthen good governance frameworks, and the two concepts; good governance and human rights are mutually reinforcing, both being based on core principles of participation, accountability, transparency and State responsibility (UNCHR 2006: 10). Kalema (1997:28) emphasizes the same notion by stressing that transparency of systems and process, accountability of public servants and the capacity to provide service are essentials of good governance. Good governance is key to effective poverty eradication whether within the public management or even within the operations of the development agency like the NGOs. Poor economic growth is one major factor that account for poverty in many countries. Good governance is critical in spurring economic growth which is a major mark of development. As emphasized by Kalema (1997:28), good governance is vital for national development because it complements sound rules and economic policies. He further points out that even the best rules and economic policies are meaningless unless they are properly enforced. In addition to good governance NGOs implanting rights based approach should pay attention to national budgets since in national budgets rights can be denied or be granted.

- **Exerting Influence on National Budgets**

As argued by the UNHCHR (2006:12), the budget can be understood as the outcome of systems and relationships through which the varying needs and desires of a nation are heard, prioritized and funded. UNHCHR (2006:12) further maintains that the choices made by Governments as to how money is collected and distributed and which rights are realized and for whom are not value free or politically neutral. This reasoning mandates poverty eradication approaches to design a strategy that exerts pressure on those involved in national budgets to ensure that some people are not excluded in the distribution of resources, a factor that contributes to poverty. Rights-based approach therefore seeks to analyze the national budget to develop grounds to exert the necessary pressure on the state to pay attention to the poor. Budget analysis is a critical tool for monitoring gaps between policies and action, for ensuring the progressive realization of human rights, for advocating alternative policy choices and prioritization, and ultimately for strengthening the accountability of duty bearers for the fulfillment of their obligations (UNHCHR 2006:12).

A rights-based approach to the budget demands that such choices be made on the basis of transparency, accountability, non-discrimination and participation. These principles should be applied at all levels of the budgetary process, from the drafting stage, which should be linked to the national development plans made through broad consultation, through approval by Parliament, which in turn must have proper amendment powers and time for a thorough evaluation of proposals, implementation and monitoring (UNHCHR 2006:12).

As stated by UNHCHR (2006:12), human rights standards can furnish guidance to policymakers and legislators in weighing competing demands on limited resources, helping to ensure, for example, that Primary education is free for all, budget allocations are prioritized towards the most marginalized or discriminated against as well as making provision for essential levels for all rights. Human rights standards further contribute to progressive improvement in human rights realization by ensuring that particular rights are not deliberately realized at the cost of others for instance ensuring health programs are not compromised by disproportionate focus on security or debt servicing (UNHCHR 2006:12). As Theis (2004:4) suggests, implementing human rights requires that states and other duty bearers allocate larger budgets and more resources for poor, marginalized and at-risk people. This makes human rights approach effective and unique in addressing poverty. As earlier stated the duty bearers can even be the international community and therefore the need to promote social justice.

- **Promoting Social Justice**

Human rights are used to address poverty including social, political and economic exclusion and to support the struggle for social justice at national and international level (SDC 2006:6). Defining basic rights, and roles and responsibilities, human rights add an essential dimension to poverty reduction and development strategies (SDC 2006:6). Analytically, human rights bring root causes and dynamics of poverty to the fore. They can also offer operational guidance for governments, civil society and donors.

As stated by Action Aid (2011: 9), poverty violates human rights and this happens because of unequal power relations which start in the family and extend up to the global level. Violations of human rights are often a result of failures in governance which is about the relationship between citizens and the state and the way the state uses its power and authority to manage its political, economic and administrative affairs. Action Aid believes in democratic people-centred governance where governance processes and the exercise of power are guided by human rights principles and values. Together these constitute the idea of rights-based.

Rights-based approach is a key strategy that is being used to reduce poverty. The following statement regarding Action Aid Rwanda confirms the same in the following: Action Aid Rwanda has since been an integral part of Rwandan civil society and is engaged in poverty eradication programs through a Rights-based approach in the key strategic priorities evolving around the following themes: Women's Rights, Education, and Food Rights and Livelihood. Just and Democratic Governance, Human Security and Conflict; and Children rights are other cross-cutting themes.

Human rights approach has the potential to advance the goal of poverty reduction by urging speedy adoption of a poverty reduction strategy, underpinned by human rights, as a matter of legal obligation and by broadening the scope of poverty reduction strategies so as to address the structures of discrimination that generate and sustain poverty (UNHCHR 2002:4).

Human rights approach also contributes to the expansion of civil and political rights, which can play a crucial instrumental role in advancing the cause of poverty reduction and the approach also as adds legitimacy to the demand for ensuring meaningful participation of the poor in decision making processes (UNHCHR 2002:4). One of the key roles of human rights-based approach can be identified as creating and strengthening the institutions through which policy-makers can be held accountable for their actions as well as cautioning against retrogression and non-fulfillment of minimum core obligations by the duty bearers ((UNHCHR (2002:4). If human rights approach has such great potential to advance the goal of poverty reduction, it is now imperative to underscore a broader definition of poverty.

- **Broader Definition of Poverty**

Defining basic rights, and roles and responsibilities, human rights approach add an essential dimension to poverty reduction and development strategies as well as offering operational guidance for governments, civil society and donors (SDC, 2006). Rights-based approach to poverty reduction serves a crucial purpose in poverty reduction by providing a proper understanding of what it means to be poor. In this poverty reduction model a poor person is one who is deprived of basic capabilities such as the capability to be free from hunger, to live in good health, to be literate, and so on (UNHCHR 2002: 6).

Therefore in the language of rights, one may say that a poor person is one for whom a number of human rights remain unfulfilled such as the rights to food, health, and education (UNCHR 2002:6). Such rights have constitutive relevance for poverty if a person's lack of command over economic resources plays a role in causing their non-realization. Some human rights are such that their fulfillment will help realize other rights. For example, if the right to work is realized, it will help realize the right to food. Such rights can be said to have instrumental relevance for poverty (UNHCHR 2006:6). Rights-based model ensures the poor are empowered to confront the forces that attempt to confine them in poverty. UNHCHR (2002:17) emphasizes the argument in the following:

> The empowerment requires simultaneous efforts to promote a range of other human rights. For example, if the poor are to be empowered to participate meaningfully in the conduct of public affairs, they must be free to organize without restriction (right of association), to meet without impediment (right of assembly), to say what they want to without intimidation (freedom of expression) and to know the relevant facts (right to information). Furthermore, poor people must be allowed to receive support from sympathetic civil society organizations (including the media) that might be willing to champion their cause. For this to be possible, the State must create the necessary legal and institutional framework in which an independent civil society can flourish.

In addition to proper understanding of poverty to implement Rights based approach successfully financial resources play a critical part, since rights based models have cost implications.

3.0 *Addressing of Challenges that undermine proper use of the Rights based approach*

Rights based approach has it challenges which when overcome the approach can be effectively be used by stake holders. Addressing the following challenges can improve the implementations of rights based poverty reduction programs .

- **Inadequate Financial Resources**

Rights-based approaches to poverty reduction require funds since most of the activities are costly. NGOs coming up with right-based program, especially the starting one may find even more difficult to venture into rights based programming due to financial challenges. NGOs and especially local NGOs have multiple challenges related to financial resources. Lekorwe and Mpabanga (2007:12) confirm the same in the following statement:

> One of the major factors impacting the effective management and sustainability of NGOs is the nature of their dependability on donor funding. A majority of civil society organizations in developed and developing countries were established in order to complement and supplement governments' developmental and service delivery efforts. Multilateral organizations such as the United Nations, World Bank, Commonwealth Secretariat, as well as regional organizations such as the European Union, African Union and SADC have funded NGOs' programs and activities. Funds were channeled through the civil society organizations to foster development and improve service delivery at the grassroots level.

As noted above the challenge of financial resources remains a major impediment in the implementation of programs by most NGOs. Rights-based program consume much money without an immediate tangible results, a factor that undermines their projects justifications. Costs of training duty bearers such as government officials related to certain rights may be very costly. Senior officers such as the magistrates, judges, police generals, District Commissioners, County governors among others, may need to be accommodated in expensive places coupled with out of station allowances. The same constraints are experienced in building the capacity of duty holders who may need trainings to be able to claim their rights.

One major challenge facing NGOs and especially the local ones is dependence on overseas donors and as noted by Lekorwe and Mpabanga (2007:12). The common impact of financial dependence on donor funding is that, once donors pull their financial support, NGOs collapse. The threat of imminent collapse makes most NGOs avoid spending much money in running rights-based approach which seem not to have direct demonstrable features. The financial challenges affecting rights-based approaches to poverty reduction are also experienced among many other developing countries. In Indonesia it is noted by OHCHR (2005:219) that a major external constraint relates to funding for rights-based programming as once observed by the OHCHR (2005:219), dependence on foreign funds is affected by foreign policies. A good example given is the case of post September 11, 2001 which affected flow of cash from the United States of America. It is also stated that the Patriot Act in the US requires US based donors to divulge information on each and every project to which funding is or is planned to be given and such restrictions continue curtailing and limiting funding on rights-based programming in developing countries (OHCHR 2005:219).

Rights-based NGOs at times find themselves amidst crisis such as the Kenya's 2007 post election violence or some areas worse hit by prolonged wars and droughts. The lack of readily and less restricted adequate finances implies they continue providing relief alone without much focus on rights holders and duty .Inadequate financial resources have prevented some NGOs from implementing rights based approach programs but other NGOs have failed to adopt the program because of the NGO's organizational culture.

- **Organizational Culture**

The organizational culture of NGOs as reflected by NGO management and the staff is key determinant in implementing a rights-based approach. The issue of Organizational culture is highly emphasized by INTRAC (2005:36) which maintains that if adopting, a rights-based approach is to bring a fundamental change in the relationship between development NGOs and their primary stakeholders, this must start with the attitude of the guard who first allows people into a compound, or the receptionist who answers the telephone to a potential supporter. As stressed by INTRAC (2005:36), there is need to involve the entire staff in a training which should aim at changing the attitude. The following statement stresses the same notion.

At every level in an organization, adopting rights-based approaches will require training input, even for those staff whose jobs may not appear to be affected. All the NGOs involved in this research are providing support to staff in the transition which occurs when they are introducing rights-based approaches (INTRAC 2005:36). An organizational culture conducive to rights-based programming is key to effective implementation of a Rights based approach to poverty reduction. The absence of this culture is a major hindrance to adopting human rights approach since the management may not have the passion to implement it. Designing and implementing a rights-based strategy requires a committed program staff that is willing to invest time and energy. Management support is also key in terms of allowing project staff to engage in such activities (OHCHR 2005: 236). The following statement emphasizes the same notion:

The need for specialized staff and a well-thought out strategy to move rights-based approaches from the level of policy to implementation and programming poses considerable challenges in terms of professional capacity. At the most basic level, the change in orientation and activity of Northern NGOs requires changes in the profile of staff and their job descriptions. For some, especially those involved in the delivery of 'frontline services', this may be profoundly threatening as their posts are reviewed and possibly axed. New staff may be required who can bring in the specialist knowledge of human rights and the experience to bring them into practice (INTRAC 2005:35).

Lack of skilled staff coupled with unwillingness to embrace new right-based approach is a major constraint to implementation of rights-based approach.

As noted above, the fear to lose their jobs when a new program is introduced makes some staff to sabotage a rights-based project. The issue of good governance is also a key to the functioning of NGOs. It implies that the effective management of an NGO's resources is done in a manner which is transparent, accountable, equitable and responsive to the needs of the people. Since NGOs aim at becoming sustainable, then good governance is critical to their existence. Lekorwe and Mpabanga (2007:6) point out that in many developing countries NGOs often lack the institutional capacity and resources to operate. Here the major concern is the state of the NGOs governance structures which determines the success in implementing rights-based programs. A poorly managed NGO which abuses resources meant to help the poor may not have the moral authority to champion social justice or the rights of the poor. This notion is stressed by INTRAC (2005: 36) in the following:

> Moreover, in many organizations adopting a rights-based approach towards external stakeholders, questions should inevitably arise about the rights of its staff and the style of management across the organization. If there is no consistency between the internal practices and the external message, the prospects for bringing about transformation in NGO relationships and practices seem limited.

Lekorwe and Mpabana (2007:6) lament that some NGOs poorly manage funds from donors. Poor management of donor funds results in withdrawal of donor support meant to assist in implementing rights-based approaches. Organizational culture and especially a culture of honesty coupled with accountability and transparency accounts for success in implementing rights based approaches, but also the relationship between the NGOs and the state which is the main duty bearer can affect the implementation.

- **Relationships with State**

Taking a rights-based approach forces NGOs to take a critical stand against the practice of states, in both the North and South, where it is in flagrant violation of rights or not conducive to the promotion and protection of rights (INTRAC 2005:36). Vulnerability to intimidation and violence from the ruling party makes some NGOs avoid human rights approach. NGOs that receive their donation from state may avoid engaging the states in human rights discussion. For example in Europe among other developed countries where states are also their major donors, NGOs always face a difficult balance between receiving state funding and retaining some voice with the state, and avoiding being co-opted into the state's agenda and being shut out of any policy dialogue. Adopting a rights-based approach is likely to sharpen this dilemma even further, especially where states claim to adopt a right-based approach in their development policy – as in the UK, Norway and Sweden (INTRAC 2005:36).

The potential for conflict with the state may be even greater in the South where Northern NGOs are working as guests in countries where human rights are not respected and their position in the country may be quite precarious. A state which may welcome an international NGO that provides support for health or education services may be less enthusiastic if the NGO starts to criticize the state for its failure to provide such services itself (INTRAC 2005:36). International NGOs have always faced difficulties and controversy in knowing how to work in repressive regimes where there are clear abuses of human rights on a massive scale and they have to find the balance between speaking out and staying in the country. Adopting a rights-based approach may extend these difficulties as international NGOs are forced to reconsider how they engage with other states, which are involved in lower key failure to uphold their citizens' rights (INTRAC 2005:36).

Lekorwe and Mpabanga (2007:6) in their discussion on the relations between the state and NGOs advise that in order for NGOs to realize their potential contribution and to efficiently manage their activities, a healthy relationship between them and the government is essential. This healthy relationship can be conceivable only if both parties share the same objectives. If the government's commitment to poverty reduction is weak, then NGOs are likely to view collaborating with government as counter-productive.

NGOs should be keen to avoid collaborating with state at the expense of the rights of the poor or citizen suffering in the hands of dictatorial regimes. As noted by Lekorwe and Mpabanga (2007:6) dictatorial governments will be wary of NGOs which tend to be sympathetic to the poor. In this case NGOs will not value a positive relationship with government and may choose to go their own way and attempt to make life difficult for government agencies. Implementing effective rights based programs require NGOs to understand the key elements of rights based approach and how the approach differs from the traditional need based approach.

4.0 Conclusion

The article has provided proper understanding of the Rights Based Approach and it's unique definition of poverty . The major benefits of applying this strategy in poverty reduction such as proper definition of poverty, good governance and ensuring social justice have been highlighted . Among the issues that undermine utilization such as state hostilities, lack of adequate finances to implement rights based approach as well as issues related to organizational culture have been emphasized . There is need for the development partners and the state agencies to address the issues that may undermine the effectiveness of rights based approach as poverty reduction strategy.

References

Action Aid. (2011). *Just and Democratic local Governance Accountability Quality and   Equity in Public Service provision Action Aid*. (Unpublished).

Boisek, J & Martin T. (2007). *.Applying Rights-Based Approach: An Inspirational Guide for Civil Society.* Copenhagen: The Danish Institute for Human Rights.

INTRAC. (2005). *The Implications for Northern N.G.O are of Adopting Rights-based Approaches*. Oxford: International NGO Training and Research Centre.

Kalema, W. (1997). *The Role of Government in Establishing an Enabling Environment for the private Sector*, Kpundeh S. and Langseth P. (Eds.), Washington, DC: The World Bank 27-37.

Lekowre and Mpabanga. (2007). *Managing Non –Governmental Organizations in Botswana* Gaborone : University of Botswana.

OHCHR. (2005). *Lesson learned from Rights based Approaches in the Asia pacific Region*. Bangkok: OHCHR, Asia Pacific Region.

SDC. (2006). *SDC's Human Rights Policy: Towards a Life in Dignity* Berne: SDC Publication. *Soweto East, Kibera*. Masters Thesis, University of Jyvaskyla.

Theis, J. (2004). *Promoting Rights-Based Approaches: Experience and Ideas from Asia and the Pacific.* Stockholm; Save the Children Sweden.

Todaro, M and Smith S. (2009). *Economic Development.* New York: Addison-Wesley.

UNDP. (2007). *Operational zing Human Rights –Based Approaches to Poverty Reduction*. New York: UNDP.

UNHCHR. (2006). *Frequently Asked Questions on a Human Rights-Based Approach to Development* New York: United Nations.

UNHCHR 2002   *Draft Guidelines :A human Rights Approach to Poverty Reduction Strategies*. New York: UNHCHR.