

A RIGHTS-BASED APPROACH TO ACCOUNTABILITY:
An Exploration of RBA Theory as a Mechanism of Downward
Accountability in Development and Humanitarian NGOs

by

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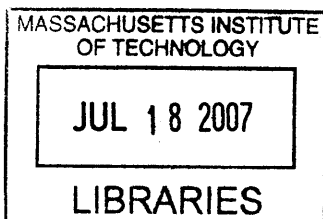
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ROTCH

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Abstract

This thesis explores the link between theories of accountability and the rights-based approach in nongovernmental humanitarian and development organizations. It suggests that the rights-based approach (RBA) necessitates a commitment to accountability to the beneficiaries of NGO work. It suggests how the RBA might best incorporate a duty to strengthen accountability to beneficiaries, referred to as “downward accountability.” It investigates Oxfam America as a case study and assesses whether Oxfam’s RBA meets criteria for strengthening downward accountability and whether this theoretical link is feasible. Overall, this research reveals that Oxfam America literature and staff do not consistently cite a duty to downward accountability as a component of the Oxfam RBA. However, in some cases a duty to downward accountability is implicitly linked to the RBA.

Unanticipated findings included that (1) the RBA is vague in terms of how it is operationalized; (2) situational constraints influence the degree to which a project can adopt a rights-based approach; (3) staff expressed confusion about how to implement the RBA; (5) staff seemed motivated to describe projects as being in line with the rights-based approach, even when connection to the RBA was tenuous.

I suggest that identified RBA impacts be reframed as guiding questions in order to direct the development, implementation, and evaluation of projects. These guiding questions should explicitly identify NGOs as duty-bearers in relation to downward accountability. I build on Rand & Watson’s (2007) depiction of a rights-based continuum and suggest that projects can be actively moved along this continuum, progressing from traditional to more rights-based. I suggest that this is true as well for downward accountability, and outline how guiding questions can help frame project evaluation in order to progressively strengthen downward accountability.

Suggestions of areas for further inquiry include: (1) Beneficiaries’ perceptions of accountability mechanisms and the rights-based approach. (2) Whether an articulated duty to downward accountability would create incentives to adhere to this duty. (3) Longitudinal studies examining whether projects do tend to become more rights-based and/or more accountable to beneficiaries over time, and if so what are the factors that enable this progression.

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List of Abbreviations

ALPS	Accountability, Learning, and Planning System
BOND	British Overseas NGOs for Development
CARE	Cooperative for Assistance and Relief Everywhere
CSO	Civil Society Organization
DFID	UK Department for International Development
DRR	Disaster Risk Reduction
HAP-I	Humanitarian Accountability Partnership—International
IFRC	International Federation of Red Cross and Red Crescent Societies
INGO	International Nongovernmental Organization
NGO	Nongovernmental Organization
OA	Oxfam America
OI	Oxfam International
PRRP	Participatory Review and Reflection Processes
RBA	Rights-based approach
RB	Rights-based
RCCC	Code of Conduct for The International Red Cross and Red Crescent Movement and NGOs in Disaster Relief (informally known as the Red Cross Code of Conduct)
SfC	Saving for Change
SIDA	Swedish International Development Cooperation Agency
UNHCR	United Nations High Commissioner for Refugees
UNOHCHR	United Nations Office of the High Commissioner on Human Rights

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CHAPTER 1: INTRODUCTION

This thesis examines whether the rights-based approach can be utilized to strengthen nongovernmental organizations' (NGO) accountability to the beneficiaries¹ of their projects. I explore the theoretical content of the rights-based approach (RBA), and examine both secondary and primary case studies of Oxfam America projects and programs that employ the rights-based approach.² I address the current limits of the RBA and propose shifts in the RBA framework that could strengthen accountability to beneficiaries. The Oxfam America case studies aim to address the degree to which an emphasis on downward accountability is incorporated into the RBA, and whether this link is feasible within the existing framework. This thesis, overall, explores whether the RBA has potential to strengthen NGO accountability to beneficiaries.

This introductory chapter provides a general overview of the purpose of this thesis. It presents a synopsis of the underlying theoretical issues, the research itself, a justification for the value of the research, and a roadmap for the following chapters.

Overview of Theoretical Analyses

What is the rights-based approach? In short, “rights-based approach” is used to describe economic development and humanitarian relief work that emphasizes human rights as one of its core principles. Rights-based approaches often tend to emphasize capacity building and the identification of root causes of poverty. The rights-based approach is generally positioned in contrast to traditional development and relief work, which is depicted as failing to identify and address the root causes of poverty, failing to create “sustainable” solutions, and as fostering dynamics of dependency rather than empowerment or capacity-building (See for example Collier 1996). Rights-based approaches often suggest that the violation of social and economic rights (sometimes referred to as “second generation rights”) constitute root causes of poverty, and that

¹ The term “beneficiary” has been criticized for implying that the poor are merely passive recipients of aid. I use the term here, however, to denote specifically persons or communities who are *intended to benefit* from NGO activities. Organizations reviewed in this thesis have adopted alternative terms. Oxfam America, for example, often refers to “primary change agents.” I feel that “primary change agent” does not accurately describe the power dynamic that this thesis addresses. Some literature refers to “project participants.” This term could potentially be used interchangeably with “beneficiaries,” however I again feel that, in a discussion of accountability, the term “participants” may inappropriately present aid recipients as fully willing participants who *do* have access to equal power and to accountability mechanisms. In an effort to underscore, rather than downplay the power discrepancy between the poor and the international NGOs that aim to serve them, I have opted to use the term “beneficiary.” I acknowledge that use of this term remains problematic.

² For the sake of comparison I also include one secondary case study of a CARE International project that was not rights-based.

addressing these violations should be a primary objective of development and relief work. This rhetoric also frequently suggests that, in a rights-based approach, governments should be held accountable for creating environments that support social and economic human rights. Rights-based approaches rely on a rhetoric of human rights that identifies *rights-holders*, citizens who hold inalienable human rights, as well as *duty-bearers*, bodies (such as states) who are responsible for ensuring the realization of rights.

Thus, inherent in the logic of the rights-based approach is an emphasis on rights and their corresponding duties. This notion of duties brings up broad questions of accountability. A distinct but concurrent line of inquiry from the rights-based approach is the growing body of literature on the concept of accountability, including the different forms it takes between different actors, as well as the benefits and drawbacks of various mechanisms for ensuring accountability. Of particular relevance to this thesis, development and humanitarian NGOs have recently faced broad criticism for their lack of accountability, in particular lack of accountability to those that they aim to assist through their programs. Throughout this thesis I refer to this relationship as “NGO downward accountability to beneficiaries.” In response to these criticisms, NGOs have begun exploring different mechanisms for increasing their downward accountability to beneficiaries. A major theme within the accountability debate is how mechanisms for ensuring accountability can avoid being based solely in punitive measures, and can embrace more “progressive” systems. Accountability mechanisms adopted by humanitarian NGOs have included, for example, official codes of conduct, accreditation programs, peer reviews, self-regulatory bodies, and participatory methods.

In the following chapter, I explore whether the rhetoric of the rights-based approach can function as a progressive mechanism of downward accountability. I distinguish between *theoretical frameworks* of accountability and *mechanisms* of accountability, and suggest that some iterations of the rights-based approach, depending on what rights and corresponding duties are specified, could be utilized as mechanisms of accountability. I pose the question of whether the rights-based approach has potential, as a theoretical framework or as a practical mechanism, to strengthen NGO downward accountability to beneficiaries.

The Current Research

In short, this thesis aims to address whether, (1) a rich understanding of accountability deepens an analysis of rights-based approaches, (2) if the rights-based approach can be a useful framework for strengthening downward accountability; and (3) what iterations of, or shifts in, the

rights-based approach have the most potential to effectively strengthen development NGO downward accountability to beneficiaries.

To this end I examine Oxfam America as a case study of an organization currently utilizing the RBA. I ask if and how Oxfam meets the criteria I have laid out that could enable the RBA to be utilized as a mechanism for downward accountability. Does Oxfam America 1) identify the ultimate beneficiaries of their work as rights-holders within the NGO-beneficiary relationship? Does Oxfam 2) specify that their beneficiaries have a right to a meaningful role in the development projects that impact them? Does Oxfam 3) identify itself as an actor with duties vis-à-vis its beneficiaries' rights within their relationship? And, ultimately, does Oxfam specify that it has duties to strengthen downward accountability to its beneficiaries? Does Oxfam articulate its duties vis-à-vis beneficiary rights *within the NGO-beneficiary relationship*?

My intention here is not to assess Oxfam America's RBA per se, but rather to look to Oxfam as an example of a RBA in action, as a window into the developing rhetoric of the RBA and of downward accountability within the field. In order to answer these questions more fully, this thesis also asks what characterizes Oxfam's RBA in practice, what barriers staff are facing in implementing the rights-based approach, and how these elements of the Oxfam RBA influence the potential of their RBA to be used as a mechanism of downward accountability.

Introduction to Oxfam America Case Study

Chapter 4 of this thesis explores the evolution, interpretation, and application of the rights-based approach at Oxfam America. Oxfam America is a development and humanitarian relief organization based in Boston, Massachusetts that works in 26 different countries across the globe. I begin Chapter 4 with an in-depth exploration of Oxfam's rhetoric.³ I discuss, in particular, a forthcoming review of rights-based aspects of Oxfam and CARE International projects. I address three particularly relevant projects that are reviewed in this existing report. The first case depicts a highly successful rights-based project. The second illustrates challenges to implementation of the RBA, and the third presents a critical review of a traditional, non-rights-based project.

This review of secondary cases is followed by primary research in which I examine staff interpretation of the RBA in three original case studies. In the first of these three case studies I

³ Use of the term "Oxfam" throughout this report generally refers to Oxfam America. Oxfam International and other affiliates are referred to by their full names. In some cases, where appropriate I use the term "Oxfam" in reference to the overall family of Oxfam affiliates.

examine rights-based aspects of the *Saving for Change* program, which promotes small community-based savings groups in Cambodia. This case depicts the often-vague nature of the rights-based approach as well as its complex links to development work. In addition, this case highlights difficulties in implementing the nascent RBA concept. My second case study explores specific challenges to the implementation of a rights-based approach under oppressive governments. It examines a new Agricultural Recovery program in Zimbabwe. The final case looks more generally at humanitarian programming in the Boston headquarters, and explores, in particular, RBA implications of the new *Disaster Risk Reduction* approach. It addresses broad challenges to the implementation of the rights-based approach in humanitarian work, as well as the benefits and limitations of the rights-based approach overall. This review of Oxfam literature and primary case studies investigates whether the Oxfam RBA, as expressed through Oxfam literature and staff interviews, incorporates a duty to downward accountability within the RBA rhetoric.

Why explore NGO accountability and the rights-based approach?

Both the rights-based approach and the discourse on accountability are emergent and rapidly evolving fields. The rights-based approach is, to date, arguably the most cutting-edge, progressive formulation of development and relief work. It indicates a significant shift in development and relief thinking, and is in the process of reshaping the face of development work. The rights-based approach has been adopted or endorsed by innumerable NGOs, as well as prominent international bodies such as the United Nations and the World Bank.

Parallel to the RBA, discourse on accountability is flourishing. This trend has emerged in response to wide concerns both about a lack of accountability (in all sectors) as well as criticisms of existing mechanisms to ensure accountability. NGOs, in particular, have faced criticisms regarding a lack of accountability to their beneficiaries (Bliss and Larson 2006, BOND 2006, Brody 2002, Ebrahim 2003, Ebrahim 2007, Goetz & Jenkins 2002, Jordan 2007, Kovach et al., 2003, Lindenberg & Bryant 2001, Mallaby 2004, Naidoo 2004, UNHCR/Save the Children 2002). Given the broad scope and global impact of NGO development and humanitarian relief work, mechanisms to ensure NGO accountability have the potential to impact the lives of millions.

Better understanding of (1) dynamics of NGO accountability, (2) current implementation of the rights-based approach, and (3) the potential of the rights-based approach to improve accountability, can help to shape these emerging fields and provide direction for next steps in terms of the theoretical and applied evolution of the rights-based approach.

As part of this thesis I originally intended to examine case studies that exemplify the rights-based approach. I hoped that through these cases I could examine how the rights-based approach is affecting relationships of accountability between NGOs and their beneficiaries. However, once I began to probe into the implementation of the rights-based approach, I discovered that there *is* no exemplary rights-based program, and in fact the approach itself remains a vague, nebulous concept—more a theoretical aspiration than an actual *approach* being put in to practice. Thus it may be too soon to evaluate the *impacts* of the implementation of the rights-based approach—on accountability or other variables—as the approach itself is still in a nascent form and concrete implementation has been spotty. Therefore rather than evaluating the impacts of implementation, this thesis focuses on current *challenges to implementation* and the *potential* of the RBA to be utilized as a mechanism for strengthening NGO downward accountability.

Structure of the thesis: a Roadmap for Readers

This thesis is broken into 5 chapters. Following this introduction, Chapter 2 reviews relevant literature and poses theoretical considerations. Chapter 3 details the methods adopted in the research and discusses the strengths and limitations of the research. Chapter 4 is an in-depth case study of Oxfam America. It discusses Oxfam’s RBA in greater depth, reviews existing case studies, and presents three original case studies of specific projects and programs. Chapter 5 concludes this thesis. It begins by synthesizing and discussing findings from the Oxfam America cases. It revisits the links between accountability and the rights-based approach. It then discusses if and how the rights-based approach has potential as a mechanism of downward accountability, and addresses the limitations of this strategy. Finally, I conclude with recommendations to the field and suggestions for future research.

CHAPTER 2: LITERATURE REVIEW⁴

This chapter is broken into three sections. Section I focuses primarily on accountability. It introduces linkages between accountability and rights-based approaches and discusses their relevance to current development NGO practice and governance. It introduces, in particular, the concept of *downward accountability*. Section II then discusses the rights-based approach. I outline what is meant by “rights-based” and how this concept is relevant to the specific question of downward accountability to beneficiaries. Section III then explores links between the rights-based approach and NGO accountability to their beneficiaries. It describes how a rights-based approach can be a useful *framework*, as well as a potentially meaningful *mechanism* for downward accountability. It discusses, in particular, the significance of corresponding duties evoked by a rights framework. It also discusses how the *ethical internalization* of a rights framework can create stronger downward accountability. Finally, I conclude this chapter with research questions pursued in this thesis. In short, this thesis asks whether inclusion (in the RBA lexicon of rights) of *beneficiaries’ right to a meaningful role in development projects that affect them*, along with articulation of *corresponding NGO duties*, has the potential to strengthen NGO downward accountability to beneficiaries.

Section I: Accountability

The adoption of “rights-based” approaches to development has been popularized in recent years (Lindberg & Bryant 2001, Nyamu-Musembi & Cornwall 2004). At the same time Northern development NGOs have experienced calls for greater accountability towards the proposed beneficiaries of their work (Brody 2002, Lindenberg & Bryant 2001, Mallaby 2004, Naidoo 2004, Nyamu-Musembi & Cornwall 2004). In this chapter I pose several questions, including 1) Whether the rights-based approach can be usefully informed via theories of accountability, 2) Whether the RBA can be utilized to strengthen development NGO downward accountability to beneficiaries, and 3) What specific iterations of, or changes in, the RBA have the most potential to strategically strengthen NGO accountability to beneficiaries.

⁴ This chapter is based on a shorter paper of the same name, *A Rights-based Approach to Downward Accountability* (Bradley 2007b), previously submitted for the Harvard Kennedy School of Government course *Accountability and Policy: Challenges in the Public, Nonprofit, and Private Sectors*, taught by Visiting Associate Professor of Public Policy, Alnoor Ebrahim.

In the current section on accountability I first explain what is meant by accountability, and provide evidence for the growing academic discourse on the subject. Then, with this explanation of the theoretical concepts in place, I provide evidence for NGO interest in accountability and depict NGO efforts to strengthen their accountability.

Depicting Accountability

Recently, numerous authors have cited a growing trend towards calls for greater NGO accountability and a stronger culture of accountability in general (see for example Brody 2002, Dubnick 1998, Goetz & Jenkins 2002, Nyamu-Musembi & Cornwall 2004, O’Neil 2002). Goetz and Jenkins (2002), for example cite the “emergence of The New Accountability Agenda”(p.4). Brody (2002) describes a growing accountability movement within the [nonprofit] sector”(p.475). And Lindenberg and Bryant (2001) say of development NGOs, “in this field... accountability is the central issue of our time”(p.209).

What is this new agenda and what, specifically, is meant by *accountability*? Accountability is a slippery term whose meaning has, ironically, become more difficult to pinpoint as its popularity and buzzword-style usage have grown in recent decades. Goetz & Jenkins (2003) describe accountability as, “a relationship where *A* is accountable to *B* if *A* is obliged to explain and justify his actions to *B*, or if *A* may suffer sanctions if his conduct, or explanation for it, is found wanting by *B*”(p.5). This definition reflects the “agent/object” view, where one actor is the “agent” who can “demand answers or impose punishments” and the other actor—the actor held accountable—is the “object” of such demands and impositions⁵ (Goetz & Jenkins 2003, p.5; see also Schedler 1999, p.14-17). Goetz and Jenkins define accountability as being composed of two key elements: “answerability” and “enforceability”(p.5). From this perspective, at its most basic form accountability is defined as a relationship of power between actors.

Rights within the contract of an accountability relationship

The logic of accountability parallels the logic of rights and their corresponding duties. As mentioned above, in any relationship of accountability, one actor (or group of actors), by virtue of the relationship, has a right to hold another (the object) accountable. Correspondingly, the object has a duty to “be accountable to” the agent. This parallels the relationship delineated in a system of rights, where an individual has a specific right, and another entity or individual has a

⁵ The “agent/object” terminology used here is substantively equivalent to the “principle/agent” terminology sometimes used in other works. The term “agent,” however, has opposite roles in the two different terminologies, and care should be taken not to confuse its meaning.

corresponding duty to uphold (or, in the case of negative rights, not violate) that right. As stated by the UN High Commissioner on Human Rights, “Rights imply duties, and duties demand accountability”(UNOHCHR 2002: ¶ 23; Quoted in Nyamu-Musembi & Cornwall 2004, p.3).

Downward Accountability

Power analyses are critical to understanding relationships of accountability (Goetz & Jenkins 2002). *Upward* accountability refers to being accountable to more powerful agents; in the case of NGOs upward accountability is towards donors, foundations, and government. *Downward* accountability is defined as being toward less powerful agents. In terms of NGOs, downward accountability is toward beneficiaries (see for example Ebrahim 2003).⁶ By contrast, *horizontal* accountability is towards peers; in the case of NGOs horizontal accountability is to other nonprofit organizations, generally within the same field.⁷ This thesis addresses the relationship of downward accountability between NGOs and their beneficiaries.

Internal versus External Accountability

Beyond the basic concept of accountability as a power relationship between two actors, Dubnick (1998) builds on Robert Nozick’s ethical theory framework and suggests that accountability incorporates both moral “pushes” and “pulls.” Dubnick suggests that most accountability efforts have relied on the “moral pulls” of “liability, answerability, responsibility and responsiveness,” which are enforced through litigation, external review boards, etc (p.78). Dubnick proposes that the internalization of accountability, what he deems the “moral push” of obligation, may be a necessary component of effective accountability mechanisms.

Similarly, Ebrahim (2003) defines *external* accountability as being motivated by obligations and prescribed standards. External accountability is towards actors outside an organization (such as donors, government, the press, as well as beneficiaries). Ebrahim contrasts this with *internal* accountability, which Fry (1995) describes as being motivated by “felt responsibility” (Ebrahim 2003, p.814. See also Fry 1995). NGOs’ internal accountability, for example, may be manifest in a felt responsibility to mission. I later return to the concept of

⁶ Goetz and Jenkins (2002) define “vertical” accountability as when citizens “hold the powerful to account”(p.7). This frames the definition in terms of *whom one is holding to account*, rather than *to whom one is accountable*. Essentially this is equivalent to the idea of “downward accountability” when seen through the eyes of the NGO. For the sake of clarity, I will rely on the terms “downward” and “upward,” framing the discussion from the perspective of NGOs.

⁷ Again, Goetz and Jenkins’ (2002) use of terms differs a bit from the field. They define “horizontal accountability” as “forms of accountability in which the holding to account is indirect, delegated to other powerful actors”(p.7).

internal, moral accountability pushes when exploring how a rights-based approach may be utilized to strengthen downward accountability to NGO beneficiaries.

Frameworks and Mechanisms of Accountability

Ebrahim (2003) also delineates a difference between two types of accountability mechanisms: *tools* and *processes*. He argues that accountability *tools*, such as disclosures and reports, are “discrete devices or techniques” often “applied over a limited period of time”(p.815). While accountability *processes*, such as participation and self-regulation, are “generally more broad and multifaceted than tools,” and are “less tangible and less time-bound”(p.815).⁸ According to Ebrahim (2003), accountability *processes*, “Emphasize a course of action rather than a distinct end-result”(p.815). I would add to this taxonomy that in addition to accountability *mechanisms* (consisting of tools and processes), it is useful to think of accountability *frameworks*. If mechanisms are the direct tools and processes, one level removed from this are the more conceptual frameworks. A rights-based approach, I would argue, is (among other things) useful as a conceptual tool for framing accountability relationships. In Section III of this chapter I propose ways in which a rights-based approach might function as both a framework and as a mechanism of accountability.

From punitive to progressive: Taking accountability further

Many authors have suggested that a purely punitive view of accountability, particularly one that focuses on monitoring and reporting, can be onerous and may lead to perverse incentives.⁹ Punitive accountability may not create the kinds of trustworthy, effective, and visionary organizational governance desired (see for example O’Neil 2002, Ebrahim 2003, Offenheiser & Holcombe 2003). This has led to a growing inquisition into how accountability mechanisms can not only be strengthened and made more effective, but how they might advance organizational goals, rather than hampering them (BOND 2006, Ebrahim 2007, Jordan 2007, Keystone 2006).

Strategic Accountability and Organizational Learning

Part of this dialogue has focused on the connection between accountability mechanisms and organizational learning (BOND 2006, Keystone 2006, Ebrahim 2003, Ebrahim 2007, Chait et

⁸ I discuss several examples of these processes below.

⁹ For example, emphases on monitoring and reporting can lead to a perverse incentive to set easily attainable, but less meaningful or ambitious goals or targets. Overemphasis on monitoring and reporting can also lead to time-consuming “make-work” policies that detract from, rather than ensure adherence to the organization’s objectives.

al. 2005, Lindenberg & Bryant 2001. See also Levitt & March 1988 and Roper & Pettit 2002 on organizational learning in general). In parceling out how accountability can be tailored to foster organizational learning, Ebrahim (2003) distinguishes between *functional* and *strategic* accountability. Functional accountability, he argues, consists of “accounting for resources, resource use, and immediate impacts”(p.815); in other words, functional accountability focuses on short-term objectives. Strategic accountability, on the other hand, focuses on longer-term structural change.

Ebrahim (2007) argues that an emphasis on organizational learning and evaluation can be used to create a more “reflective” approach to accountability(p.2). He writes of NGOs:

“Arguably there is a need for greater attention to mechanisms of accountability that are aligned with organizational missions and visions, and which promote, rather than constrain, critical reflection and learning”(p.20). With this theoretical foundation in place, let us now turn to the specific accountability challenges faced by development NGOs.

NGOs and Competing Accountabilities

How can we begin to apply these various theories of accountability to NGOs and beneficiaries? NGOs face complex accountability relationships from a wide variety of stakeholders. These demands can exert competing pulls on NGO objectives and performance (Brody 2002, David & Mancini 2004, Ebrahim 2003, Nyamu-Musembi & Cornwall 2004, Offenheiser & Holcombe 2003). Because of these competing demands, I would argue NGOs tend to be most *responsive* to stakeholders who have the most power over the NGO in question. Numerous authors have argued that NGOs overemphasize upward accountability to donors over other forms of accountability (Ebrahim 2003, Ebrahim 2007, Germain 2007, Jordan 2007, Kovach et al., 2003). Several authors have emphasized the need for organizations to strengthen internal accountability (Ebrahim 2003, Dubnick, 1998, Germain, 2007). Additionally, international NGOs have been criticized as lacking transparency (Kovach et al. 2003), as well as democratic accountability or “representativity” (Brody 2002, Lindenberg & Bryant 2001, Mallaby 2004, Naidoo 2004). Naidoo (2004), for example, notes that, “civil society organizations face a critical challenge in their justifications for voicing their opinions or speaking on behalf of others, especially vulnerable or marginalized communities”(p.22).

In particular, development NGOs have been criticized regarding their lack of accountability towards their beneficiaries (Bliss and Larson 2006, BOND 2006, Ebrahim 2003, Ebrahim 2007, Goetz & Jenkins 2002, Jordan 2007, Kovach et al., 2003, Mallaby 2004,

UNHCR/Save the Children 2002). Brody (2002) notes that, “The most important constituent of the charity—the beneficiary—is often the least empowered”(p.478).

A shifting paradigm

The emphasis on NGO downward accountability towards beneficiaries has grown, in part, out of the participation literature of the 1990s. Goetz and Jenkins (2002) suggest that criticism of the participation industry, particularly the futility of emphasizing beneficiary “voice” when beneficiaries have little or no recourse, have led to calls for greater downward accountability (see also BOND 2006, Cooke & Kothari 2001, Dubnick 1998, Ebrahim 2003, Ebrahim 2007, HAP 2005, Najam 1996a, Uphoff 1996). Participation does not necessarily constitute or lead to accountability. Participation has been criticized on many accounts, including on grounds that it does not constitute real power sharing or a shift in power dynamics when the agenda is set by the NGO (or other development agency), rather than by beneficiaries. This “agenda setting” can take the form of delimiting the issues up for debate, only involving stakeholders after major decisions have already been made, etc. In particular, participation that solicits beneficiary input, but then reserves the option to pick and choose how to respond to this input—or whether to respond at all—does nothing to strengthen accountability. This type of participation has been criticized as existing merely to bolster the legitimacy of the organization in question (See in particular Cooke & Kothari 2001).

Crises as catalysts

Specific crises have drawn public attention to this NGO accountability deficit and have acted as catalysts in pressuring NGOs to address accountability towards beneficiaries. For example, there was widespread criticism of the humanitarian response to genocide in Rwanda; humanitarian efforts were charged with having been unacceptably poor and lacking in accountability (Joint Evaluation of Emergency Assistance to Rwanda 1996). And in a particularly egregious scandal that drew attention to the question of accountability, in 2002 UNHCR and Save the Children reported that humanitarian workers in West Africa were exchanging relief goods for sex with minors (UNHCR/Save the Children UK 2002, Moon 2006). These and other scandals (HAP 2005, Philips 2005) have added to pressure for NGOs to strengthen accountability mechanisms to their beneficiaries who are often, by definition, highly vulnerable to abuses. Scandals such as these point to the importance of both articulating beneficiary rights, as well as strengthening NGO accountability so that those rights may be realized and upheld. Given this context, development NGOs are currently exploring ways in which they may maintain legitimacy and credibility while targeting long-term development goals.

Evolving Accountability Mechanisms

Since the mid 1990s, formalized standards, codes of conduct as well as entire organizations devoted to the topic of accountability, have emerged in the fields of development and humanitarian aid. In particular, this movement has produced documents such as the *Code of Conduct for The International Red Cross and Red Crescent Movement and NGOs in Disaster Relief* (International Federation of Red Cross and Red Crescent Societies 1994) and the Sphere Project (1998) *Humanitarian Charter and Minimum Standards in Disaster Response*. In addition, new organizations, such as the Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP) and the Humanitarian Accountability Partnership (HAP), have emerged specifically to address concerns regarding accountability in humanitarian relief.

Red Cross Code of Conduct

The *Code of Conduct for The International Red Cross and Red Crescent Movement and NGOs in Disaster Relief*, often referred to as simply the *Red Cross Code of Conduct (RCCC)*, was established in 1994 by a consortium of prominent disaster response agencies. The Code was developed in response to the troubled humanitarian efforts of the over 120 NGOs working in Rwanda at the time. The RCCC was intended as a “professional Code of Conduct” that would “set, for the first time, universal basic standards to govern the way [NGOs] should work in disaster assistance” (IFRC 1994).

The International Federation of Red Cross and Red Crescent Societies (IFRC) reports that as a professional association, the Code is entirely voluntary and “self-policing.” It has no authority to sanction signatory NGOs. The Code incorporates ten “Principle Commitments” of which number nine reads, “We hold ourselves accountable to both those we seek to assist and those from whom we accept resources” (IFRC 1994). The IFRC Code has constituted a key component of the efforts to strengthen NGO accountability. Arguably, it represents an example of “reflective” accountability, in that it does not incorporate punitive measures, but rather attempts to bolster accountability through an articulation of shared norms. This Code, therefore, cannot be said to meet Goetz & Jenkins’ (2003) criteria of “enforceability” however it does, to the degree that NGOs may face criticism for failure to adhere to the code, meet the “answerability” criteria for accountability.

The Sphere Project

After the development of the *Red Cross Code of Conduct*, the “Sphere Project” was created in order to provide further guidelines on humanitarian assistance. The Sphere project,

was launched in 1997 to develop a set of universal minimum standards in core areas of humanitarian assistance. The aim of the project is to improve the quality of assistance provided to people affected by disasters, and to enhance the accountability of the humanitarian system in disaster response (Sphere Project 2004; p.2)

To that end, in 2000 the Sphere Project published a handbook containing its new *Humanitarian Charter and Minimum Standards in Disaster Response*, which expanded on the earlier Red Cross *Code of Conduct* discussed above. The Sphere project's minimum standards apply to five key sectors including water and sanitation, nutrition, food aid, shelter, and health services. The Humanitarian Charter is, "based on the principles and provisions of international humanitarian law, international human rights law, refugee law and the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations (NGOs) in Disaster Relief" (Sphere Project 2004; p.5).

Unlike the Red Cross *Code of Conduct* the Sphere Project's *Humanitarian Charter and Minimum Standards* have no signatories. Adherence to the Charter is purely voluntary and there are no means for sanctioning organizations that do not meet the minimum standards or uphold the principles outlined in the Charter. Similar to the RCCC, the Sphere Charter and Minimum Standards do not incorporate punitive measures, but provide a normative yardstick against which NGOs can potentially be held accountable. Thus, the Charter and Minimum Standards may also be considered examples of "reflective" or "strategic" mechanisms of accountability. As with the RCCC they do establish some grounds for answerability, but do not create a means of enforceability.

Joint Evaluation of Emergency Assistance to Rwanda

Following the 1994 genocide in Rwanda, the Danish aid agency, DANIDA, proposed a collaborative evaluation of the humanitarian response. They invited a "broad range of bilateral and multilateral donors, UN agencies and NGOs"(Borton 2003) to participate in the formation of an organization that would spearhead an extensive evaluation of the humanitarian response to the Rwandan crisis. Together these parties selected representatives to form the Joint Evaluation of Emergency Assistance to Rwanda (JEEAR).

The JEEAR evaluation process was described as "complex" and "unprecedented"(Borton 2003). It produced five reports on the causes, outcome, and lessons learned from the Rwandan crisis, which were published together in 1996. In particular, the Joint Evaluation specified the need for several improvements in the field of humanitarian assistance including the need to strengthen systems of accountability, establish a monitoring body that could serve as an ombudsperson, and "identify a respected, independent organisation or network of organisations to

act on behalf of beneficiaries of humanitarian assistance” (Borton et al 1996, cited in HAP 2007). However, after several years of evaluation, it was determined that an ombudsperson system would not be feasible or effective. Accordingly, the *Humanitarian Accountability Partnership*, described below, was established in order to “identify, test and recommend a variety of alternative accountability approaches and mechanisms”(HAP 2007).

Humanitarian Accountability Partnership International (HAP-I)

Although, the JEEAR’s recommendation for a ‘humanitarian ombudsman’ was rejected, British NGOs established the “Humanitarian Ombudsman Project,” out of which grew the Humanitarian Accountability Partnership (HAP), now the Humanitarian Accountability Partnership- International (HAP-I) (Borton 2003). HAP-I describes itself as, “the humanitarian sector’s first international self-regulatory body”(HAP-I 2007a, ¶1). As described above, HAP evolved out of a response to the JEEAR’s call for a humanitarian ombudsperson, and a subsequent evaluation that suggested the need for “alternative accountability approaches and mechanisms.” From 2001-2003 HAP conducted extensive research on the subject. HAP-I reports that,

The main conclusion to emerge... was that humanitarian accountability could best be strengthened and implemented through the creation of a strong international self-regulatory body, able to insist on monitoring and compliance, while providing strategic and technical support to member agencies (HAP-I 2007a; ¶6).

Thus in 2003 HAP evolved into a regulatory body. HAP-I provides accreditation for humanitarian NGOs that meet (or are in the process of striving to meet) its standards. HAP-I members commit to self-monitoring, monitoring by HAP-I, as well as peer monitoring. HAP-I members are required to draft an “Accountability Work Plan” which outlines specific targets for their compliance with HAP-I’s accountability principles (HAP-I 2007a). HAP-I therefore, unlike the codes and standards that preceded it, does include some requirements for compliance and incorporates active evaluation of organizations. HAP-I, therefore, can be described as a strategic accountability mechanism that emphasizes horizontal accountability through peer reviews, as well as internal accountability through commitment to self-monitoring. It incorporates both the concepts of answerability and, to a lesser degree, enforceability. HAP-I currently has 15 full members, including Oxfam Great Britain and CARE International (HAP-I 2007b).

Active Learning Network for Accountability and Performance in Humanitarian Action

The Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP) is another example of an organization that addresses issues of accountability in humanitarian relief work. Similar to HAP-I, ALNAP came as a response to JEEAR. According

to the ALNAP website, “ALNAP was established in 1997, following the multi-agency evaluation of the Rwanda genocide. It is a collective response by the humanitarian sector, dedicated to improving humanitarian performance through increased learning and accountability”(ALNAP 2006, ¶1). ALNAP works to promote the evaluation of humanitarian action, shared learning across organizations, specialized tools and guidelines for participatory methods in humanitarian action, and the protection of affected-populations in humanitarian assistance (ALNAP 2006).

International NGO Accountability Charter

Recently eleven prominent international NGOs (INGOs), including Oxfam International and ActionAid International, together signed the 2006 *International Nongovernmental Organisations’ Accountability Charter*. This charter signals the organizations’ commitment to six principles: “Respect for Universal Principles” (such as human rights), “Independence” (referring generally to financial and political independence), “Responsible advocacy” (referring essentially to being responsible in the criticisms that they launch when doing advocacy work), “Effective Programmes” (including for example norms of good governance), “Non-Discrimination” (referring to hiring practices), and “Transparency.” The Charter does not specify any mechanisms for compliance, and rather constitutes a set of accepted norms. It is intended to bolster legitimacy of International NGOs.

ActionAid Accountability, Learning, and Planning System (ALPS)

Other signs of a growing push for stronger NGO accountability include NGOs’ own publications on the matter. ActionAid, for example, recently published the (2006) *Accountability, Learning, and Planning System (ALPS)* report, which is specifically devoted to their efforts to increase accountability and to link these efforts with organizational learning. I review this report in more depth in the following sections.

Oxfam America Learning Evaluation and Accountability Department

Oxfam America has recently created a new *Learning Evaluation and Accountability Department (LEAD)*, which is, as the name suggests, specifically devoted to accountability and organizational learning. Notably, this department has been undertaking efforts to evaluate the rights-based approach. These efforts include the forthcoming (2007) *RBA Learning Project* report which I review in depth in Chapter 4.

Collaborative for Development Action’s “Listening Project”

The Collaborative for Development Action Inc. Collaborative Learning Projects (CDA) has launched a “listening project” intended to collect feedback from people in countries receiving

international aid. Thus far they have released two reports, one on humanitarian relief efforts in Aceh Indonesia, and another on development and relief efforts in Ethiopia.¹⁰

Section Conclusion

This section has given an overview of accountability theories and identified their relevance to international development and humanitarian NGOs. As the above examples make clear, numerous approaches and mechanisms are evolving in order to address questions of NGO accountability. NGOs are expending a considerable amount of time, effort, and resources towards addressing concerns about their accountability to various stakeholders. In the following section I introduce the rights-based approach and discuss its merit as a strategy for NGO accountability.

¹⁰ Although available online, these reports are specified as “not for citation,” and thus will not be discussed in greater detail here.

Section II: Rights-Based Approaches

In the preceding section I drew a conceptual bridge between systems of accountability and systems of rights. In this section I give a brief history of the emergence of the rights-based approach, define “rights-based” approaches, and give examples of organizations that espouse such frameworks. I explain how the rights-based approach is connected to international human rights, outline several criticisms of the RBA, and conclude this section with evidence for why the RBA is an important topic of research. The final section of this chapter, Section III, sets the stage for and introduces my research questions, by exploring if and how rights-based approaches may be utilized as frameworks for downward accountability.

History of the Rights-Based Approach

In the late 1990s and early years of this century, numerous prominent development NGOs, including Oxfam, Save the Children, World Vision, CARE, and ActionAid adopted what they describe as “rights-based” approaches (ActionAid 2005 & 2006, Jones 1999, Lindberg & Bryant 2001, Offenheiser & Holcombe 2003). This newly named approach emerged out of several factors. In the 1960s concepts of “development” and “rights,” previously seen as separate domains, began to converge. Several important events paved the way for this confluence. The 1966 *International Covenant on Economic, Social, and Cultural Rights* was an important step in this direction. The very concept of social and economic rights (sometimes called “second generation rights”), as opposed to previously recognized civil and political rights (or, “first generation rights”) was a new one. These newly indoctrinated, and politically loaded rights were met with resistance in the West during the Cold War.

The 1966 *Covenant on Economic, Social, and Cultural Rights* was later followed by the *Declaration on the Right to Development* in 1986, which was similarly contentious in the West. But, with the end of the Cold War, Western states reduced resistance to recognition of social and economic rights (Nyamu-Musembi & Cornwall 2004). In the 1990s mainstream development organizations began to embrace social and economic rights.

In 1993, The Vienna Conference on Human Rights was the first post-Cold War international conference on human rights, and signaled the growing legitimacy of, and emphasis on, social and economic rights (Nyamu-Musembi & Cornwall 2004). Then, in 1995, a “development caucus” made up of development and humanitarian relief NGOs, “spearheaded a

campaign for a rights-based approach” at the World Social Development Summit at Copenhagen (Nyamu-Musembi & Cornwall 2004, p.10). Thus, in 1995 the concept of a rights-based approach to development initially emerged. Since then it has flourished and grown immensely in popularity and acceptance.

What was new about the RBA?

The RBA emerged in the late 1990s, not only out of growing recognition of social and economic rights (as explained above) but also in response to criticisms of traditional development efforts. NGOs’ traditional development and relief work, consisting of service-delivery and what is now referred to as “needs-based” projects, was criticized for a lack of efficacy in terms of having long-term impacts on reducing poverty. NGOs were (and are) criticized for doing work that should arguably be the domain of the state. Concerns arose over whether service-delivery models might actually worsen poverty by creating a dynamic of dependency—preventing, rather than fostering, the development of local capacity (see for example Collier 1996, and Rand & Watson 2007). Thus, the RBA emerged in response to these criticisms, and indicated new thinking, in particular, about the role of political advocacy in development work. Oxfam America and CARE suggest that, “Using rights-based approaches, development actors employ a variety of methods—including policy analysis, advocacy and capacity building of both rights-holders and duty-bearers—to help facilitate a process of empowerment for poor and marginalized peoples and communities”(Rand & Watson 2007; p.4-5).

Because of criticisms that traditional development and humanitarian work functioned more like a bandage—addressing only the symptoms of poverty—new approaches were sought that would have the ability to address the “root causes” of poverty. For example CARE writes that,

Thorough analysis of underlying causes of poverty gets at *why* rights are not being realized, *who* is responsible for promoting and protecting them, *what* aspects of the governance structure need to be changed in order to make it enabling, and *how* poor people can play central roles in claiming their own rights. (CARE USA 2005, quoted in Rand & Watson 2007; p.16. Emphasis in original.)

This emphasis on the “root causes” of poverty is a hallmark of many RBAs; it is often implied (as in the quote above) that one root cause—perhaps the most important—is a failure of governments (or sometimes multilateral organizations) to uphold social and economic rights.

Who adopted the RBA?

Since the 1990s, the rights-based approach has been adopted or espoused by multilateral agencies such as the World Bank and the United Nations; bilateral agencies such as the Swedish

International Development Cooperation Agency (SIDA) and the UK Department for International Development (DFID); along with numerous development and relief NGOs such as Oxfam, Save the Children, World Vision, CARE, and ActionAid. Unlike NGOs that have traditionally focused on development and humanitarian relief (previously considered a separate domain from that of rights), NGOs that have traditionally worked on civil and political rights, such as Amnesty International and Human Rights Watch, although expressing support for the RBA, have, I would argue, shifted their rhetoric and practice to a lesser degree in relation to the RBA (Nyamu-Musembi & Cornwall 2004, Offenheiser & Holcombe 2003).¹¹

Why do NGOs adopt the RBA?

Adoption of the RBA can serve several purposes for NGOs. First, it signals an awareness of, and responsiveness to evolving concepts of best practices in development. It positions NGOs as progressive, forward-looking agencies. Secondly, according to the rhetoric of the RBA, a focus on rights, duties, and root causes of poverty should lead towards programs and projects that are better equipped to have lasting impacts on poverty. Third, adoption of the RBA can have a legitimizing effect in relation to the previous two reasons. It can also lend credibility to NGO efforts by connecting them to international human rights conventions. In addition, the RBA can justify shifts in funding allocation from direct-service provision to policy analysis, advocacy, and project evaluation. Of particular relevance to this thesis, judging by their various publications, Oxfam seems to have adopted the RBA because of its relevance to their dedication to equity and social justice. In addition, the RBA has provided a logic by which Oxfam can justify a shift away from service provision towards policy analysis and advocacy work, which they argue is more effective in addressing the structural issues that underpin poverty and make people vulnerable to disasters (see for example Offenheiser & Holcombe 2003).

What precisely is the rights-based approach?

Despite its popularity (or perhaps because of it) the term “rights-based approach” remains imprecise, especially regarding how it is or should be operationalized. However, examples of organization’s shifting rhetoric can begin to paint a better picture of what is meant by a rights-based approach. In an article justifying their shift to a rights-based approach, Offenheiser & Holcombe (2003) of Oxfam America state, “The rights-based approach envisions the poor as

¹¹ However, these more traditional human rights organizations *have* been actively involved in the discourse on NGO accountability. See for example the International NGO Accountability Charter (Amnesty International 2006).

actors with the potential to shape their own destiny and defines poverty as social exclusion that prevents such action”(p.271). In another example, CARE publications assert that their adoption of a rights-based approach indicates that, “we view the people we assist as rights-holders and not simply beneficiaries or participants”(Jones 1999). CARE suggests that,

a human rights approach signifies a more profound commitment to empowerment. First, it calls for deep respect for the inherent dignity, worth, and potential of the people we seek to assist. Second, it requires us not only to work with communities to identify needs and provide basic services and supplies, but also to help people understand their basic rights as human beings (Jones 1999).

In a third example, ActionAid describes their rights-based approach by asserting that their vision is, “A world without poverty and injustice in which every person enjoys their right to a life with dignity”(ActionAid 2006; p.2).¹²

A link to human rights

Most rights-based approaches gain credibility by linking their work to widely accepted notions of human rights. However, the rights potentially invoked by a general reference to “human rights” are numerous and complex. NGOs adopting RBAs do not tend to list specifically the rights to which they are referring to when invoking a rights-based approach. The number of official declarations, conventions, treaties, and other instruments that innumerate various human rights is staggering. An exhaustive list is not possible here, but in general rights-based approaches tend to refer (implicitly or explicitly) to the following key documents: The Universal Declaration of Human Rights, 1948; The International Convention on the Elimination of All Forms of Racial Discrimination, 1965; The International Covenant on Economic, Social, and Cultural Rights, 1966; the International Covenant on Civil and Political Rights, 1966; and The Convention on the Elimination of All Forms of Discrimination Against Women, 1979 (OHCHR 2007).¹³ Each of these documents further describes the specific rights that they encompass.

Oxfam America and CARE USA, for example, suggest quite generally that, “Rights-based approaches are grounded in the International Bill of Rights, the UN Universal Declaration of Human Rights and other internationally agreed-upon instruments, which provide globally recognized standards for what it means to live in dignity”(Rand & Watson 2007; p.5).

Some rights that are specifically named in RBAs include *the right to a sustainable livelihood* and *the right to a life with dignity*. Overall, while RBAs may be vague in specifying

¹² I explore the ActionAid approach in more depth in Section III of this chapter. I address Oxfam’s RBA in-depth in Chapter 4 of this thesis.

¹³ For an exhaustive list of all human rights instruments relevant to international law, refer to OHCHR 2007.

what rights they address, they generally imply a focus on social and economic, or “second generation” rights.

Capturing a vague concept

The term “rights-based” has become so widely used that the United Nations Office of the High Commissioner on Human Rights (UNOHCHR) has endeavored to define “rights-based approaches” and what they should entail. According to the UNOHCHR:

A rights-based approach to development is 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... The principles include equality and equity, accountability, empowerment and participation. (UNOHCHR 2006a, §1, ¶1).

As can be seen in this definition, rights-based approaches are sometimes explicitly linked to the concept of accountability. They often emphasize political advocacy as a means to promote and protect human rights. In addition to advocacy and accountability, RBAs tend to include emphases on identifying and addressing root causes of poverty, fostering local capacity, and developing sustainable interventions. Although RBAs do tend to draw connections between these approaches and the realization or protection of human rights, I would argue that these aspects are not necessarily directly linked to rights per se, thus in some sense the notion of “rights-based” is fluid. RBAs tend to overlap (in a potentially confusing way) with organizations’ evolving concepts of best practices in general. In this thesis I explore rights-based approaches both in terms of their direct connection to the concepts of rights and duties, as well as to other aspects, such as their emphasis on addressing root causes of poverty, building local capacity, and valuing the inherent worth in people.

The RBA remains vague, both in terms of its theoretical underpinnings, as well as in its application. There is a lack of clear consensus across the field, as to what RBA means or should mean. Nyamu-Musembi & Cornwall (2004) caution that, “Care needs to be exercised about drawing any hard and fast conclusions about the normative influence of rights in what remains a shifting and contested terrain, even within the agencies that have the most assertive declarations of support for such an approach”(p.5). They argue that, “Within as well as across agencies the term ‘rights-based approach to development’ is open to an enormous range of interpretations and is associated with a range of different methodologies and practices”(p.12), and further assert, “exactly what a rights-based approach does mean to different agencies differs considerably – and sometimes not just in degree, but rather more fundamentally”(p.12). Attesting to this lack of clarity, CARE and Oxfam have written that,

As international non-governmental organizations dedicated to alleviating poverty, CARE and Oxfam International recognize and accept the moral imperative to address rights violations and discrimination wherever we work. Both organizations have thus made conscious choices to adopt rights-based approaches. *Practically speaking, however, we are still struggling to understand what this major organizational shift means.* (Rand & Watson 2007; p.1. Emphasis mine).

CARE and Oxfam attempt to resolve this confusion by stating that, “there is no single rights-based approach; rather, there are many approaches to rights-based programming”(Rand & Watson 2007; p.4).

Defining the RBA in any precise way is a near-impossible task. However, Rand and Watson (2007) identify three elements that stand out in particular as being common to Oxfam’s, CARE’s and the UN definition of RBA. They suggest that these iterations of the rights-based approach:

1. Frame problems as rights, linked to international, national or customary standards;
 2. Emphasize capacity and agency of rights-holders; and
 3. Engage and hold duty-bearers accountable for meeting their obligations
- (Rand & Watson 2007; p.27).

While this list may not function as a definition of the RBA, it does help to pinpoint common elements among several prominent RBAs. It also underscores the importance of accountability within the RBA.

Criticisms of the RBA

In general, the RBA is lauded as a positive shift in development thinking. However, it has faced numerous criticisms. The RBA has been accused of being simply the “flavor of the month”(McCoston 2005), the “latest fashion” (Uvin 2002), as well as a merely a “new bottle for old wine”(Nyamu-Musembi & Cornwall 2004). Some criticisms suggest that the RBA has not brought anything new to development practice, and that it is merely a re-packaging of previously existing approaches (see for example Uvin 2002). Others contend that although the RBA has produced new *rhetoric*, it has not produced meaningful changes in development and humanitarian *practice*. Nyamu-Musembi & Cornwall (2004), for example write that, “Some agencies can proclaim their commitment to human rights, yet the bulk of their practice remains entirely unaffected by nice-sounding policies as it is framed by older or competing development models that remain hegemonic in practice”(p.5). Yet another criticism is that, because it lacks any clear definition, agencies can pick and choose which aspects of the RBA they wish to accept or reject.

In addition, the *content* of the RBA has faced criticisms. Some researchers have argued that the RBA is too focused on formalized legal frameworks and that it fails to acknowledge alternative strategies with which people assert their rights (Nyamu-Musembi & Cornwall 2004).

Furthermore, the RBA has been accused of being patronizing to both the governments and people of developing countries, of oversimplifying the causes of poverty, and of ignoring the anti-colonial origins of the rights discourse (Nyamu-Musembi & Cornwall 2004).

The RBA has also been accused of existing merely as a tool for gaining legitimacy. Peter Uvin (2002) writes,

The prime reason why development agencies adopt such language with its deliberate obfuscations is, of course, to benefit from a moral authority and political appeal of the human rights discourse. The development community is in constant need of regaining the moral high ground in order to fend off criticism and mobilize resources. As the development community faces a deep crisis of legitimacy among both insiders and outsiders, the act of cloaking itself in the human rights mantle may make sense, especially if it does not force anyone to think or act differently. (Uvin 2002, p.21, quoted in Plipat 2005, p.31)

Finally, in contrast to accusations that the RBA is merely intended to bolster legitimacy, the rights-based approach has faced some resistance from NGO staff who fear that it will divert organizations' work away from previously established competencies, and that the advocacy aspect in particular may lead NGOs into contentious political debates that could threaten their legitimacy or engender resistance.

Despite these many valid criticisms, the RBA remains a highly relevant driver in development and humanitarian aid, particularly amongst international NGOs.

Indicators of Relevance

As an academic topic, the body of literature on the rights-based approach is immense and rapidly growing. This proliferation of discourse reflects NGOs' own efforts to define, implement, and more recently, evaluate the RBA. CARE, for example, produced a "Unifying Framework" document in 2002, in an attempt to create a more cohesive bridge between the RBA and other existing CARE approaches. Similarly, Oxfam America produced a "RBA Framework" document for internal training processes. In addition, the president of Oxfam America co-authored "Challenges and Opportunities in Implementing a Rights-Based Approach to Development," (2003) a paper that justifies Oxfam's adoption of the RBA.

Furthermore, Oxfam America and CARE have recently undertaken the "RBA Learning Project," (2007) a joint process in which they evaluated RBA projects in terms of both their efficacy and their adherence to RBA principles. Thus, interpretation and implementation of the rights-based approach remains a highly relevant, vibrant issue within the field of international development and humanitarian aid. In Chapter 4 of this thesis I explore the rights-based approach of Oxfam America as an in-depth case study.

Section II of this chapter has introduced the history, theory, and key actors in relation to the rights-based approach. The following section traces the complex relationship between theories of accountability and the emerging discourse on the role of rights in development work. It concludes this chapter with a presentation of the research question at hand.

Section III: RBA and Downward Accountability

As noted in Section I of this chapter, the logic of accountability parallels that of the rights-based approach, with its rights-holders and corresponding duty-bearers. In fact, as evidenced in the preceding section, rights-based approaches often employ explicit calls for greater accountability, or name accountability as one of the main principles of the RBA. The UNOHCHR, for example, argues that the RBA principles include “equality and equity, accountability, empowerment and participation” (UNOHCHR 2006a, §1, ¶3). Under the specific subheading of accountability the UNOHCHR writes,

Rights-based approaches focus on *raising levels of accountability in the development process* by identifying claim-holders (and their entitlements) and corresponding duty-holders (and their obligations)... They take into account the duties of the full range of relevant actors, including individuals, States, local organizations and authorities, private companies, aid donors and international institutions (UNOHCHR 2006a, §3, ¶1. Emphasis mine).

Additionally they suggest that rights-based approaches contribute to “enhanced accountability” by “identifying specific duties and duty-bearers in the development process. In this way, development moves from the realm of charity to that of obligation, making it easier to monitor progress” (UNOHCHR 2006b, §1, ¶2).

Accountability and rights are clearly linked. How then, specifically, does a rights-based approach impact NGO accountability? In examining the above statements regarding rights-based approaches, it is fairly easy to see how a rights-based approach can and should lead to reflection on corresponding duties and relationships of accountability. In other words, rights-based approaches can be (among other things) useful cognitive *frameworks* for accountability.

Accountability to and by whom?

NGOs as agents of Accountability

Rights-based approaches originated with a focus on holding the state (and later other actors such as corporations and international financial institutions) accountable to the poor (Lindberg & Bryant 2001). NGO adoption of rights-based approaches is often associated with shifts to advocacy (over service provision), whereby development NGOs call on states and financial institutions, for example, to recognize and uphold the rights of the world’s poor (see for example Rand & Watson 2007). In a review of shifts towards rights-based approaches by development and humanitarian NGOs, Lindenberg & Bryant (2001) note that, “In the rights-

based approach, the state has further responsibilities—to ensure the inclusion of people who fall through social safety nets...”(p.111-112). They suggest that, “Arguing that there are rights—to health, education, and participation in social security programs—changes the discourse. It says that ... the first need is to secure state responsibilities”(p.113). Offenheiser & Holcombe (2003), of Oxfam America propose a similar emphasis on state accountability: “We lack systems to hold governments and economic institutions accountable for their actions or inaction”(p. 271). Offenheiser & Holcombe explicitly forward the need to hold the state and other powerful international actors accountable as a justification for Oxfam’s shift to a rights-based approach.

Offenheiser & Holcombe, however, move beyond a vision of the state as the sole object of accountability. They suggest that a “state-centered” view of human rights is problematic and that,

Moving human rights beyond its state-centric paradigm... [provides] a rhetoric and a vision to emphasize that entrenched poverty is neither inevitable or acceptable... [and] provides a legal framework with which to begin holding the most influential nonstate actors—corporations, financial institutions, and third-party states—more accountable for their role in creating and sustaining poverty(p.274).

They cite Jochnick (1999) who wrote, “the real potential of human rights lies in its ability to change the way people perceive themselves vis-à-vis the government and other actors”(p.3) And, “By demanding explanations and accountability, human rights expose the hidden priorities and structures behind violations”(p.4). Offenheiser & Holcombe argue that, “This broader view... applying accountability to nonstate actors, is a vital step toward addressing the root causes of poverty and development”(p.275).

In other words, Offenheiser & Holcombe identify Oxfam’s shift to a rights-based approach as an effort to gain the power and legitimacy to hold other nonstate entities accountable for violating or failing to ensure social and economic rights. Interestingly, however, they do not identify NGOs as one of these “influential nonstate actors.”

NGOs as rights-holders

Jordan (2007) identifies the rights-based approach as a strategic way in which NGOs can articulate and advocate for their *own* rights; rights that she sees as paralleling and extending civic rights in general. This logic expands the concept of a rights-based approach from one that implicitly focuses on the rights of the poor (who’s rights are violated via systemic neglect and marginalization) to an approach that includes not only the rights of individuals, but also the rights of the organizations that claim to represent such individuals. Jordan notes that in political environments that seek to silence NGOs, this extension of the rights-based approach can provide a strategic rhetoric with which NGOs can push back.

NGOs as Objects of Accountability

As we have seen above, NGOs have forwarded both the accountability discourse and the rights-based approach with the aim of holding other actors, such as the World Bank (who, itself now espouses a rights rhetoric), accountable for its actions vis-à-vis the poor. Also outlined above, theorists and NGOs have forwarded the rights-based rhetoric in order to articulate and defend their own rights vis-à-vis oppressive states.

However, as mentioned in Section I of this chapter, NGOs have since become targets of accusations and questions regarding their own accountability. For example, Offenheiser & Holcombe (2003), of Oxfam America write,

Public transparency to hold powerbrokers accountable for their actions has been a rallying cry for CSOs [Civil Society Organizations]. The outcry has forced public officials and nonstate institutions to be more accountable to citizens, but these successes have led governments and others to turn the spotlight around and scrutinize the operations of CSOs (p.290).

A parallel process can be seen within the rights discourse. As development NGOs capitalize on a rights-based agenda in order to forward ethical arguments regarding poverty-eradication and in order to galvanize support for their own work, these NGOs open themselves to scrutiny regarding their duties within a rights-based framework. Importantly, the adoption of a rights-based approach can invite the (sometimes unanticipated) “people in glass houses shouldn’t throw stones” type of questioning that pushes NGOs to recognize their own limitations, as well as their own corresponding duties vis-à-vis the articulated rights. If rights hold corresponding duties, what types of duties do NGOs have towards their beneficiaries? And if they are truly duties, should NGOs not be accountable for upholding these duties, particularly if they themselves are espousing a rights-based approach?

These types of questions, I believe, can push NGOs to re-examine their missions, their long-term impacts, and their interactions with beneficiaries. Under the best circumstances, these questions will urge NGOs to consider whether any of their own acts might be construed as minimizing, denigrating, or violating beneficiary rights. For example, Offenheiser & Holcombe (2003), although focusing their discussion of the rights-based approach on how Oxfam should hold *other* actors accountable, do acknowledge that, “Becoming an active CSO in a rights-based framework exposes potential contradictions in legitimacy and accountability”(p.287).¹⁴

Because of this exposure, rights-based approaches can, should, and in some cases do seem to lead to *internalization* and an *ethical* framing of accountability. Offenheiser & Holcombe (2003), for example, argue that, “a human rights framework can provide a more

¹⁴ They note, for example, when partnering with Southern NGOs, the “tensions that arise with Southern partners as a result of economic and other inequities”(p.287).

morally and ethically forceful tool for development professionals to use in naming the inequalities in power relations, along with the structures that sustain social inequity and justice”(p.276). And in response to the “potential contradictions” mentioned above, Offenheiser & Holcombe suggest that genuine partnership between Northern and Southern NGOs, which they view as a component of a more rights-based approach, “challenges Northern agencies to rethink their agenda setting, funding, and accountability processes”(p.287). Ideally a rights-based approach would encourage development professionals to examine power relations and structures of inequity that may be created or perpetuated via their own work.

Due to the power asymmetries between development NGOs and their beneficiaries, and because beneficiaries are often, by definition, some of the most vulnerable people on the planet, it is intrinsically challenging for NGOs to strengthen beneficiaries’ ability to hold those NGOs to account. Because of the fundamental power imbalances in the NGO-beneficiary relationship, it is crucial that NGOs develop their own internal accountability to the highest ethical standards.

As previously discussed, Ebrahim (2003), argues that, unlike external accountability which is motivated by obligations and prescribed standards, *internal accountability* is motivated by a “felt responsibility” (p.814). In accord with this view, Dubnick (1998) suggests that the “moral push” of an internalized ethical responsibility may be a necessary component of effective accountability mechanisms. Dubick argues for a, “shift in the conceptual context of the analytic endeavour from that of traditional ‘action theory’ to a more relevant and reflexive ‘ethical theory’ focus”(p.69).

It is also crucial that NGOs continue to develop participatory methods, peer evaluation, and formal standards, as well as continuing to explore new accountability mechanisms, in order to minimize this power imbalance as much as possible. Despite criticisms attesting to the limits of participation (see for example Cooke & Kothari 2001), I would argue that beneficiary participation remains a crucial component in order for a strategy of inward accountability to effectively increase downward accountability. NGOs should not attempt to chart a course towards downward accountability only via their own internal compasses. An *effective* rights-based approach should not only empower the poor to assert their rights vis-à-vis the state, it should also empower the poor to assert their rights vis-à-vis development and humanitarian NGOs.

Rights-based Accountability

Sections I and II above outlined various types of accountability, as well as various iterations of the rights-based approach. In combining these two concepts and recognizing the strong need for NGOs to promote and protect beneficiary rights, what types of approaches are well suited to strengthen NGO downward accountability? In her discussion of the merits of a rights-based approach for NGOs, Jordan (2007) tends to conflate the rights of beneficiaries with the rights of NGOs themselves. I would argue that these are two very different conceptions of a “rights-based” approach, which is in part why the term is in need of clarifying and revision. Advocating for a rights-based approach where the rights in question are those of the intended beneficiaries of development projects has quite different implications than a rights-based approach where the rights in question are those of the NGO itself. This is not to say that an organization’s conceptualization of rights cannot, or should not include one, the other, or both for that matter. However, for the sake of tracing the usefulness of the rights-based approach *in terms of downward accountability towards beneficiaries*, it is imperative that this definition be clear.¹⁵

In order to understand the value of a given organization’s rights-based approach in furthering its downward accountability, it is crucial to understand: (1) whose rights the approach recognizes, (2) what rights it identifies, and (3) whose corresponding duties it recognizes. Thus, it is not a mere tautology to assert that a rights-based approach can strengthen downward accountability. Only under a very specific framing of rights is development NGO downward accountability likely to be effectively improved. I would argue that a rights-based approach will strengthen development NGO downward accountability to beneficiaries if and only if (1) beneficiaries are identified as (at least one of) the right holders, (2) rights include *the right to a meaningful role in development projects that impact beneficiaries*, and (3) the NGO identifies itself as one of the actors who has duties that correspond to this right (and at least some of those duties must be vis-à-vis the NGOs’ *own* role in the development process, not solely its role as a watchdog over *other* actors).

In Table 1 (see p.48-49) I lay out a theoretical representation of possible variation among NGO rights-based approaches and their relation to accountability. The typologies represented do not necessarily reflect approaches adopted by specific NGOs, but rather are intended to parse out

¹⁵ Jordan argues that NGOs can use the RBA to assert their civil and political rights as NGOs, in particular within oppressive political contexts. It is important to note that this dynamic could take the shape of Northern INGOs advocating on behalf of local Southern NGOs. In this case dynamics of downward accountability are different (and are particularly dependant upon how one defines beneficiaries—whether they are the staff of the local NGO in question, or whether they are the proposed beneficiaries of the local NGO).

theoretical issues that are relevant to a discussion of rights-based approaches. Actual examples of rights-based approaches may overlap and/or incorporate various aspects of the types represented.

ActionAid is an example of an organization whose approach encompasses, to a degree, the three criteria described above. ActionAid outlines several ways in which their approach is “rights-based;” they strive, for example, to promote women’s rights and “human rights for all”(ActionAid 2006). Importantly for downward accountability, they recognize their *own* role as a power-holder vis-à-vis their beneficiaries, and recognize the need to address how they can be held accountable for protecting and promoting beneficiaries’ rights *within this relationship*.

ActionAid defines and operationalizes this aspect of their rights-based approach through an emphasis on power analyses as well as through participatory processes. In their Accountability, Learning, and Planning System (ALPS) document (2006), they argue that, “Power imbalances lie at the heart of poverty and injustice... Rights cannot be truly realised without changes in the structure and relationships of power”(p.5). The ALPS report quotes Robert Chambers who said, “To be serious about rights, we have to be serious about participation and power”(p.17). The report specifies that one of the ActionAid operational objectives is to, “ensure that our planning is participatory and puts analysis of power relations and a commitment to addressing rights ... at the heart of all our processes”(p.5). Most importantly, they note,

ActionAiders will seek to first understand personal power: how we make use of our *own* power... All strategies, appraisals, research initiatives, plans, reviews or reports must have an analysis of power and clear actions to address power imbalances. Alps requires us to examine ActionAid’s power in relation to partners and communities (p.7. Emphasis in original).

As evident in the above quote, ActionAid has specified that their mission “requires” them to examine and address power relations. Thus, the goal of impacting power relations can be considered a “duty” to which ActionAid may be held accountable. Even in this vague form, an articulated duty enables other agents to begin to hold an NGO to account for living up to its stated duties. ActionAid does make demonstrated efforts to follow through on the duty to address power relations. For example, they have adopted a *participatory review and reflection process (PRRP)* that solicits and incorporates feedback from partner organizations and beneficiaries. They write, “The aim is to involve stakeholders—particularly the poor... in the analysis of what has worked and what hasn’t”(David & Mancini 2004, p.9). In “Going Against the Flow” a review of ALPS implementation, David and Mancini (2004) write, ALPS “is based on sets of beliefs and principles around the rights of the poor to criticize and influence poverty eradication efforts. There had to be a shared perspective that poor people are both capable of, and should, manage their own development processes”(p.12).

Therefore, with this explicit recognition of beneficiaries' rights to play a meaningful role in development processes, along with recognition of ActionAid's own duty to address power asymmetries, the ActionAid approach begins to meet the criteria outlined column 3b of Table 1. However, their PRRP process is arguably still only consultative in nature, requiring beneficiary "voice" but not "influence." Nevertheless, ActionAid's rhetoric points towards an approach that is intended to strengthen downward accountability to beneficiaries.

Frameworks and mechanisms; a theoretical distinction

A rights-based approach can be a useful *framework* – a theoretical starting point to further downward accountability towards beneficiaries. Nyamu-Musembi & Cornwall (2004), for example argue that a rights-based approach can, "serve as an opportunity to reflect more broadly on the power dynamics inherent in the practice of international development"(Nyamu-Musembi & Cornwall 2004, p.3-4). A rights-based approach nears what I would describe as a *mechanism* of downward accountability when it articulates, as one of the rights in question, the right of local organizations and individuals to have a meaningful role in the design, implementation, and evaluation of development projects that impact them. A rights-based approach is further strengthened as a mechanism of downward accountability if, as a part of this analysis, it acknowledges –along with beneficiary rights—the corresponding *duties* that the NGO (not just other entities) have vis-à-vis these rights.

Manifestations of the recognition of such duties could range from the general, i.e., a stated duty to "promote beneficiary dignity" to the somewhat specific, i.e., a stated duty to "increase transparency" or to "strengthen the impact of participatory processes," to more precise targets, such as a duty to "solicit and incorporate beneficiary input and feedback in project design and evaluation," or to "create grievance procedures by which beneficiaries can safely report on inappropriate practices and anticipate just responses."

I would argue that a rights-based approach that incorporates the rhetoric of column 3b from Table 1 (see p.48-49) is likely to function as a mechanism of accountability. Once specific duties are enumerated, the approach, while still based in a theoretical *framework* of rights, becomes a functioning *mechanism* of downward accountability.

For example with ActionAid's articulated duty to analyze and address power imbalances in relation to partners and communities, they can potentially be held to account (or at the very least criticized) regarding whether or not they are achieving this goal/ upholding this duty. Once duties are explicitly named, they become goals against which NGO programs can be measured. Once a commitment to "analyze power imbalances," for example, has been stated, the NGO can

potentially be held accountable to this duty. These calls for accountability could come from different agents, including donors, peers, internally from staff, or from beneficiaries.

In particular, if as a part of the rights-based approach an organization were to specify a duty to (a) *decrease power imbalances between the Northern NGO and its beneficiaries*, and (b) *strengthen mechanisms of accountability to beneficiaries*, it becomes quite clear how the RBA could then function also as a mechanism of downward accountability. And, circular as it may seem at first glance, this point is not entirely tautological. I would argue that an explicitly stated duty towards strengthening downward accountability, just like other explicit goals, would become a commitment to which NGOs could be held accountable, not just by beneficiaries, but by their own internalized measures and by other agents as well, such as peers, accreditation groups, donors, etc. Importantly, making downward accountability an explicit goal could activate other accountability and legitimacy demands (i.e. from donors) to which NGOs, because of their financial incentives, tend to be responsive.

Whether a given rights-based approach can then be deemed an *effective* mechanism depends on the specific tools and processes that characterize and give life to the approach. The question of efficacy of downward accountability mechanisms, however, is beyond the scope of this paper and is an important area in need of further research.

Table 1. Differing Iterations of Rights-based Approaches and their Effects on Accountability

Type of NGO Rights-based Approach	(1a) NGO as downward accountability agent	(1b) NGO as advocate and duty-holder
Key Accountability Relationship(s)	This type of approach stresses state accountability to citizens. In this approach the NGO would view itself primarily as an agent of state downward accountability to citizens. (Sometimes targets multilateral institutions such as the World Bank or World Trade Organization).	A somewhat stronger variation of approach 1a; in this approach an NGO would explicitly recognize some of its own duties (e.g. as a watchdog of the state) in promoting accountability to the rights of the poor. The NGO would view itself as both an object of external accountability and an agent of other actors' downward accountability.
Rights holders	Citizens are rights holders vis-à-vis the state. (Impacted peoples may be considered rights-holders vis-à-vis multilateral institutions).	Citizens are rights holders vis-à-vis the state (and/or multilateral institutions). In addition, other agents (such as NGO donors) may hold the NGO accountable for upholding its duties as a watchdog.
Rights	Internationally accepted human rights, legal rights as citizens, other rights as defined by citizens and NGOs.	Citizens have same rights as in 1a. Here, however, because the NGO asserts that it has specific duties, donors may feel that they have a "right" to see results in relation to this stated duty.
Duty bearer(s)	The state bears duties towards citizens. (Like states, multilateral institutions may bear duties to respect human rights). NGOs not identified as duty-bearers.	Same as 1b, but also includes NGO as duty-bearer in relation to their stated mission.
Duties	"Negative" duties (for example not to harm) and "positive" duties (i.e. to ensure social and economic rights). Duties correspond with citizens' rights (as listed above).	The state (and multilateral institutions) bear duties as in 1a. NGO also bears duty to effectively monitor and impact state (and/or multilateral) accountability to beneficiaries.
Effects on Accountability	Seeks to increase other, actors' (e.g. the state or financial institutions') downward accountability to the poor and their human rights.	In addition to the effects of approach 1a, this approach may increase NGO external accountability (e.g. to donors), but is not likely to increase NGO downward accountability to beneficiaries.

(2) Promotion of rights of NGOs	(3a) Downward accountability to NGO beneficiaries	(3b) NGO as downward accountability duty-holder
<p>An approach where NGOs advocate for their own rights vis-à-vis the state.</p> <p>In this approach, as in 1a, the NGO would view itself primarily as an agent of accountability.</p>	<p>In this approach NGOs would aim to strengthen their own accountability to their beneficiaries' rights.</p>	<p>As in 3a, the key accountability relationship is of NGOs towards beneficiaries. However, in addition to the rhetoric of approach 3a, this approach recognizes corresponding duties an NGO has to uphold beneficiary rights. In this approach the NGO explicitly recognizes itself as an object of accountability.</p>
<p>NGOs and citizens hold rights vis-à-vis the state.</p>	<p>Beneficiaries hold rights vis-à-vis NGOs.</p>	<p>As in 3a, beneficiaries hold rights vis-à-vis NGOs. Similar to 1b, because the NGO has named explicit duties, other actors, such as donors, may feel that they have the right to see evidence that these duties are being upheld.</p>
<p>NGOs have a right to exist. Citizens have a right to organize.</p>	<p>This approach should ideally recognize beneficiaries' right to a meaningful role in the projects that impact them. Additional rights may also be specified.</p>	<p>Beneficiaries hold the same rights as in 3a. Donors may have a stronger sense of their rights in relation to the specific NGO duty towards strengthening downward accountability.</p>
<p>The state.</p>	<p>Unspecified.</p>	<p>In this version, the NGO is an <i>explicit</i> duty-bearer vis-à-vis its beneficiaries rights within the NGO-beneficiary relationship.</p>
<p>State-borne duty to respect right of NGOs to exist and right of citizens to organize.</p>	<p>Unspecified. In this approach, slightly different from 3b, the NGO recognizes beneficiaries as having rights within the NGO-beneficiary relationship, but has not specified its own corresponding duties.</p>	<p>Ideally this approach should specify a general <i>duty to strengthen downward accountability to beneficiaries</i>. Specific duties might also include participatory methods, peer reviews, official standards, and other mechanisms of downward accountability.</p>
<p>This approach may increase government downward accountability towards civic rights. However, this approach would not increase the NGO's own downward accountability to its beneficiaries.</p>	<p>In this approach the NGO may <i>implicitly</i> recognize itself as an object of accountability, but the theoretical framework for how to strengthen that accountability remains incomplete.</p>	<p>This version is likely to have the strongest impact on NGO downward accountability to beneficiaries. Given the power-disparity between the NGO and its beneficiaries, the NGO may also need to develop strong internal accountability in order to effectively build downward accountability to beneficiaries.</p>

In this literature review I have argued that theoretical concepts of accountability deepen our understanding of the rights-based approach by highlighting the duties evoked by rights, as well as the power relationships that color such rights and duties. I have argued that rights-based rhetoric necessitates an explicit recognition of beneficiary rights and NGOs' corresponding duties. Additionally, I have suggested that existing rights-based approaches may be based on vague rhetoric that is insufficient for improving NGO downward accountability. Specifically, NGOs espousing a rights-based approach may prioritize holding other entities (e.g. the state) accountable, they may conflate advocating for their own rights as civic organizations with those of beneficiaries, or they may simply fail to clearly articulate their own duties to beneficiaries within their rights-based approach. I have endeavored to show that, while most rights-based approaches are useful theoretical frameworks that may foster a discussion of accountability, only approaches that specify the NGO as a holder of explicit duties vis-à-vis its beneficiaries' rights *as beneficiaries*, are likely to be effective mechanisms for strengthening NGO downward accountability. Finally, a theoretically sound rights-based approach *necessitates* strong tools and processes for addressing downward accountability.

Impacts and risks of adopting a rights-based approach to downward accountability

Offenheiser & Holcombe (2003) argue that an effect of the rights-based approach is that, "The new model requires more activities like research, advocacy, evaluation, public education, and organizational development"(p.288). They note that this shift in funding allocation "complicates accountability and relationships with key stakeholders, raising questions of legitimacy"(p.288). This leads to a possible interpretation of the rights-based approach as an attempt to *justify* shifts in funding allocation, particularly given that these new expenditures may not lead to easily quantifiable results. In other words, because approaches that emphasize advocacy and empowerment for example, may be difficult to quantify, they may also be perceived as *decreasing* agents' ability to hold NGOs accountable for the impact of their work. (For example it may be easier to quantify outputs, such as number of meals served, in a traditional service-delivery model, than to quantify *impacts* in a rights-based model). Thus NGOs once again run the risk of facing criticisms similar to those faced when promoting participation; rights-based approaches may engender criticism as another empty lip-service or "sham" intended primarily to forward and legitimize the organization and its activities. However, a RBA that clearly articulates duties, and that is applied via targeted programming that aims to fulfill these duties, should be well prepared to address and adapt to challenges to legitimacy as they arise.

Still, calling attention to the *need* for greater downward accountability to beneficiaries could be a risky business for NGOs. This could draw attention to difficult questions regarding their moral authority and legitimacy. However, as evidenced in Section I of this chapter, these issues are bubbling up regardless, and hiding from them is most likely not to the long-term advantage of NGOs. Rather, a more strategic response would be to meet these criticisms and concerns head-on. Some NGOs, including Oxfam America, show signs of adopting proactive strategies regarding accountability in general, for example through Oxfam's new Learning Accountability and Evaluation Department. I would argue that, in its theoretical underpinnings, the RBA, in concert with these other approaches, sets the stage for a specific prioritization of *downward* accountability.

The Current Research

While the literature indicates a clear link between accountability and the rights-based approach, it has yet to explore fully the RBA implications for downward accountability. In response to this gap in the literature, this thesis aims to address whether, (1) understanding of accountability theories deepens analysis of rights-based approaches, (2) whether NGOs currently articulate a duty of downward accountability to beneficiaries as part of their RBA, and (3) whether NGOs might be amenable to the incorporation of this duty in their RBAs.

To this end I examine Oxfam America as a case study. I ask if and how Oxfam meets the criteria I have laid out that could enable the RBA to be utilized as a mechanism for downward accountability. Does Oxfam America 1) identify the ultimate beneficiaries of their work as rights-holders within the NGO-beneficiary relationship? Does Oxfam 2) specify that their beneficiaries have a right to a meaningful role in the development projects that impact them? And does Oxfam 3) identify itself as an actor with duties vis-à-vis its beneficiaries' rights within their relationship? And, ultimately, does Oxfam specify that it has a duty to strengthen downward accountability to its beneficiaries?

In order to answer these questions more fully, this thesis also asks what characterizes Oxfam's RBA in practice, what barriers staff are facing in implementing the rights-based approach, and how these elements of the Oxfam RBA influence the potential of their RBA to be used as a mechanism of downward accountability.

Chapter Conclusion

This chapter has introduced a link between emerging theories of accountability and the currently evolving rights-based approach. I reviewed in detail how and why accountability, and downward accountability in particular, has emerged as a crucial issue for development and humanitarian NGOs. I have discussed the history, theoretical underpinnings, and practical relevance of the rights-based approach. I then suggested that the rights-based approach has the potential to serve, not only as a theoretical framework, but also as a mechanism for strengthening NGO downward accountability to beneficiaries. Finally, I presented questions for research that will be addressed in the following chapters.

CHAPTER 3: RESEARCH DESIGN & METHODOLOGY

This thesis is an exploration of organizational rhetoric. In the preceding chapters I have argued that only specific iterations of the rights-based approach are likely to strengthen downward accountability to beneficiaries. The current chapter outlines the methods employed in the research and analysis of the following chapters.

This thesis adopts an exploratory approach to an embedded, single-case study. The goal of exploratory research, according to Yin (1984) is to “develop pertinent hypotheses and propositions for further inquiry”(p.17). This thesis explores the links between the rights-based approach and theories of accountability. In the following chapters I examine Oxfam America as an in-depth case study of rights-based approach rhetoric. I ask if and how Oxfam’s rhetoric meets criteria I have laid out that could enable the RBA to be utilized as a mechanism for downward accountability—what I refer to as a *rights-based approach to downward accountability*. These criteria are my own, and I evaluate Oxfam’s RBA against these criteria in order to test the potential usefulness of the concept, rather than to evaluate Oxfam’s work.

I address the following questions: Does Oxfam America 1) identify the ultimate beneficiaries of their work as rights-holders within the NGO-beneficiary relationship? Does Oxfam 2) specify that their beneficiaries have a right to a meaningful role in the development projects that impact them? And does Oxfam 3) identify itself as an actor with duties vis-à-vis its beneficiaries’ rights within their relationship? Ultimately, does Oxfam specify that it has duties to strengthen downward accountability to its beneficiaries? I ask these questions not with the aim of assessing Oxfam’s RBA per se, but with the aim of gaining better understanding of how RBAs are unfolding in the field, how they might interact with evolving theories of downward accountability, and whether the RBA has potential to be utilized as a mechanism for strengthening downward accountability. I examine Oxfam’s RBA as a window into what is possible within the rights-based approach overall.

In the process of addressing the above research questions, this thesis also sheds light on the current state of the RBA in practice. It adds to a growing body of literature that seeks to answer questions such as: What is meant by rights-based? What are the hallmarks of a rights-based approach? Are there different iterations of this approach? What characterizes the RBA on the ground? How does implementation vary across program type? What barriers do different programs face in realizing the rights-based approach?

This case study method employs two levels of analysis; Oxfam America as a single case, and—embedded within this larger case—interviews with individual staff regarding specific Oxfam projects and programs. Oxfam America, and specific Oxfam projects, are examined with the intent of analytic, rather than statistical, generalization.

Because this thesis is an exploration of organizational rhetoric, it does *not* seek to address, for example, the relative levels of downward accountability present in the various projects described in the cases. It does not assess utilization of *other* mechanisms of accountability, such as content of participatory methods, grievance mechanisms, adherence to existing codes and standards, etc. Instead, this thesis examines *staff understanding and interpretation of the RBA* in order to explore the link between the RBA rhetoric and ideas of downward accountability, and whether this RBA rhetoric itself may be utilized as a mechanism of downward accountability.

Selection of Organizations for Review

The focus of this research is on Northern humanitarian and development NGOs. In Chapter 2 I analyzed the rights-based approach in general terms, and focused primarily on three NGOs that have adopted the rights-based approach: CARE International, ActionAid International, and in particular Oxfam America. These organizations were selected for review because each are prominent Northern NGOs that engage in both humanitarian and development work and have each espoused an adherence to a rights-based philosophy.¹⁶ These three organizations were also highlighted out of relevance to the research questions; Action Aid, for example, with its progressive rhetoric, was formative in my thinking about how the RBA may be adapted as a strategic accountability mechanism. Because CARE and Oxfam America have collaborated on numerous reports and studies, examining their work in concert was also a logical choice.

It should be noted that the rights-based discourse is not circumscribed within the nongovernmental nonprofit arena. Other development and relief players, such as the United Nations and the World Bank, for example, are also actively engaged in rights-based discourse and applied rights-based work. My hope is that this study will be relevant to the larger fields of development and relief work, and to the discourse on accountability and rights in general.

¹⁶ Other prominent organizations that were not examined in depth, but that also meet the criteria for this study include World Vision and Save the Children International.

Selection of Oxfam America for in-depth case study

Oxfam America provides an excellent case study for the intersection of the rights-based approach and downward accountability. Oxfam America is an organization that engages in a wide variety of development and humanitarian projects that span the globe. As a prominent NGO with international recognition and a long history of traditional development and relief work, their official shift to a rights-based approach is indicative of a major movement in the field. Oxfam has arguably been particularly vocal in their adoption of the RBA. In addition, Oxfam America has engaged in a variety of strategic accountability processes including peer reviews, auditing, and even the creation of a new department, the Learning Evaluation and Accountability Department (LEAD) that, as its name suggests, focuses on issues of accountability. Lessons learned from Oxfam's struggles and successes in implementing the rights-based approach are likely to be pertinent to other NGOs interested in the rights-based philosophy and/or issues of accountability. As a case study Oxfam America has strong potential for analytic generalization.

Analysis of literature and secondary case studies

In order to address the research questions above, I first explore Oxfam's own literature regarding its RBA. In completing this research I reviewed documents produced by both Oxfam and other NGOs, as well as Oxfam America internal documents, emails, and yet-to-be published reports. In this thesis I examine whether or not this literature reflects an explicit link between the RBA and downward accountability.

In particular, Chapter 4 of this thesis discusses findings from the forthcoming Rand & Watson (2007) *RBA Learning Project*, a CARE-Oxfam joint evaluation of rights-based programming. I discuss Rand & Watson's interpretation and evaluation of the rights-based approach in practice, and assess whether Oxfam's RBA, as depicted in the *Learning Project* report, shows evidence of meeting my criteria for use as a mechanism of downward accountability. Again, the intent of this assessment is not to judge whether Oxfam upholds standards of accountability, but rather to explore whether the RBA itself is used, or has the potential to be used, as a mechanism of downward accountability. In addition to this assessment, I highlight evidence from Rand & Watson that supports unexpected findings that emerge in my own primary case studies.

Primary case studies

Following this review of existing literature, I present three of my own primary case studies based on interviews with Oxfam America staff. These case studies serve two purposes. First, they help to depict the current state of the RBA as applied through projects. Second, they provide evidence of how staff members (both in the field and at headquarters) conceptualize the RBA. Staff descriptions of rights-based aspects of their work provide supporting evidence regarding the current state of rhetoric within Oxfam America, and whether Oxfam America's RBA, as interpreted by staff, meets the criteria I have outlined for strengthening downward accountability.

Oxfam America works on numerous and immensely varied projects in a wide variety of international settings. Thus, individual cases reviewed in this thesis should not be interpreted as representative of Oxfam America's work overall. Instead, they are intended to serve as "portraits" of programs currently wrestling with implementation of the rights-based approach.¹⁷

Selection of Interview participants

Interviews with Oxfam America staff were established through meetings and informal conversations with a larger subset of staff at the Oxfam America Headquarters in Boston. Initially I met with staff of the Learning Evaluation and Accountability Department, as well as the Humanitarian Department. In these meetings I expressed interest in the RBA and accountability and requested recommendations of potential interviewees who would be informative regarding implementation of the rights-based approach. In requesting interviews I explicitly sought staff stationed both in Northern headquarters as well as Southern-based field staff. My assumption was that headquarters staff might contribute to my understanding of the "big picture" and might display a nuanced understanding of organizational norms and policies overall. Conversely I presumed that field staff might shed more accurate light on the interpretation and implementation of these policies on the ground. Headquarters staff recommended that I speak with a Boston-based humanitarian relief specialist, as well as two field staff who would be visiting the Boston headquarters during the course of this study. Thus, these three cases were selected based on the recommendations by other Oxfam staff that they would be informative regarding my research questions. This approach to participant selection added greatly to the feasibility of the study, particularly given the potentially delicate nature of the research.

¹⁷ See Yin (1984) for a discussion of case study methodology and why cases do not constitute samples and thus need not be statistically representative.

Of the staff that I interviewed, one specializes in development work, while the other two focus on humanitarian relief work (although, as will be seen in the cases, these lines tended to blur). My assumption was that these two general areas of work might face distinct challenges regarding implementation of a rights-based approach (in relation to the level of urgency and time-constraints with relief work, for example), both of which I hoped to depict in this study. I expected, in particular, that the urgency of relief work might complicate efforts to focus on rights, as well as efforts to uphold duties including downward accountability.

Interview method and structure

Interviews took place in the winter of 2006-2007 at the Oxfam America headquarters in Boston. Interviews were informal and were based on open-ended questions. I structured each of the interviews around similar key questions. However, because of the quite different program types on which interviewees worked, each interview was tailored to the specific experiences of the interviewee in question. I prepared written questions before the interviews; these templates are provided in Appendices A-C. However, because the interviews were fluid and conversational, these templates are not precise records of the questions that I asked in the actual interviews. (In order to avoid confusion, I have removed questions from these templates that I am certain I did not have the chance to ask the interviewees).

Addressing challenges

Establishing a sufficiently high level of trust and comfort was challenging given the potentially threatening nature of the topic of accountability, as well as the time constraints on busy staff persons. Initially I had intended to record and transcribe interviews in order to maintain the most accurate data. However after my first interviewee expressed discomfort at the idea of being recorded, I opted instead to take written notes on all interviews. Because this initial interviewee also expressed discomfort at signing consent forms, these forms were later revised and simplified with approval from MIT's Committee on the Use of Humans as Experimental Subjects (COUHES).

Method of Analysis

These cases address staff perceptions of Oxfam America's implementation of the RBA across two specific projects and one general strategic program. Based on interviews with staff, I present "portraits" of three cases. These cases are intended primarily to illustrate staff understanding and interpretation of the rights-based approach. In order that the reader may fully understand the issues and ideas to which staff refer, the cases also provide general information

about the projects and programs on which staff work, the challenges that staff face regarding implementation of the rights-based approach, and how interpretation of the RBA is manifest in practice.

The interviews, and my analysis of them, took an exploratory approach. In order to assess whether Oxfam America meets the criteria I have outlined, I did not generate circumscribed indicators. Rather, I was interested to learn what would emerge from conversations with staff, and what these conversations might reveal about staff's understanding of the Oxfam America RBA. Essentially, I was looking to see if staff would describe NGO accountability to beneficiaries as a component of their understanding of the RBA. I probed for the presence of this concept by asking both indirect questions (such as questions about participatory methods) as well as direct questions about accountability. (See Appendices A-C).

Strengths and weakness of the methods

One limitation of this research is that feasibility only permitted for an in-depth examination of Oxfam America. Research into a variety of development and humanitarian NGOs, rather than this single case study method, would be better suited to addressing whether the theoretical framework I construct in the literature review, regarding the different iterations of RBAs, is accurate or helpful (See Table 1).

The informal setting and structure of the interviews allowed for deeper discussion of the theoretical questions at hand. Although other options, such as a written survey sent to a larger number of NGO staff could have been preferable in terms of sample size, I did not feel that survey methodology was appropriate to the task. The need to build trust in order to gain access to interview subjects, as well as to gain meaningful, informative responses, made survey methodology and/or a large sample unfeasible. Instead, I adopted an exploratory case study methodology. Robert Yin (1984) has argued that case studies need not be representative. Case studies do not represent a sample and are not intended to be generalized to a population or universe. Instead, case studies are intended to be generalizable to theoretical propositions (Yin 1984; p.21).

A possible criticism of this research approach, in which I asked staff about their understanding of the RBA and examined whether they incorporated rhetoric of accountability in their responses, is that the use of specific rhetoric or language as an indicator may lack construct validity. In other words, whether or not staff use a particular term in describing their work does not necessarily indicate whether their work actually embodies the ideas embedded within that

term. Staff's use, or failure to use, certain language may not be a valid indicator of the actual mechanisms or levels of downward accountability present in projects taking place in the field. This is a valid criticism, and it is of course also plausible that other mechanisms of accountability, aside from the RBA, are currently having an impact on downward accountability to beneficiaries. This thesis, however, is interested in whether the logic of accountability can be effectively incorporated into the RBA rhetoric, in order to create a stated objective or "yardstick" against which NGOs can be measured. When exploring a particular *organizational rhetoric*, it is important to assess what language staff use and how they describe their work. In other words, exploration of staff's stated rhetoric should have high construct validity in terms of assessing the underlying norms, rhetoric, and philosophy of the organization.

Another potential limitation of the current research is the possibility that the content of interview questions may have been leading. It was challenging to probe for interviewees' perception of and understanding of both the rights-based approach and accountability without employing leading questions. Because I assess the use of accountability rhetoric as an indicator, the specific questions that I asked are particularly important. If I asked the "wrong" questions—questions that, for whatever reason, would not be likely to evoke relevant responses—this indicator may not be valid. Interpretation of results, therefore, should take this caveat into account. Because of this potential pitfall, I encourage the reader to bear in mind the exploratory nature of the research. In keeping with this exploratory approach, in addition to discussing findings directly relevant to the research question I have also included several unexpected findings that emerged.

A major limitation of this study is that beneficiaries were not interviewed in the construction of case studies. Gaining critical information about Oxfam America only from OA staff has limited validity in general. This concern is particularly pronounced given that this thesis addresses accountability to the beneficiaries of NGO work. Unfortunately, interviews with beneficiaries were not feasible. Because of this, this thesis addresses the subjective presentation and interpretation of the RBA by Oxfam America staff. It does *not* seek to provide data regarding the current impacts of the RBA on beneficiaries, and should not be interpreted as such.

The criticism that this thesis does not incorporate beneficiary viewpoints is without doubt a valid one. However, I think that there are a variety of angles from which to approach the issue of downward accountability. While there is, admittedly, a certain irony in addressing NGO downward accountability by solely assessing the viewpoints of the power-holders (the NGOs), I do think that this is an important aspect of the dynamic accountability relationship. It is necessary to understand how power holders think about their work and their obligations within a

relationship of accountability—in part *because* they hold a disproportionate amount of power within that relationship.

That said, more input and evidence based on beneficiaries' own experience of the RBA and implementation of accountability mechanisms is crucial for strengthening and improving understanding of these issues, not only for developing effective mechanisms of downward accountability, but also for creating an *accountable theory* of downward accountability, rather than one that is based solely or primarily on Northern academic viewpoints. Further research in this area is needed.

Overall, despite the limitations inherent in this approach to the research, my hope is that the ideas and information presented here will add to the critical discourse on the rights-based approach and will, in particular, speak to questions of downward accountability and challenges in implementation of the rights-based approach.

CHAPTER 4: INTERPRETATION AND IMPLEMENTATION OF RIGHTS-BASED APPROACHES; OXFAM AMERICA CASE STUDIES

This chapter provides an in-depth look into the rights-based approach of Oxfam America. It aims to address whether Oxfam America's RBA rhetoric meets the criteria I have laid out in Chapter 1 for how a rights-based approach might be utilized as a mechanism for downward accountability. As stated previously, it addresses whether Oxfam America (1) identifies the ultimate beneficiaries of their work as rights-holders within the NGO-beneficiary relationship; (2) specifies that their beneficiaries have a right to a meaningful role in the development projects that impact them; (3) identifies itself as an actor with duties vis-à-vis its beneficiaries' rights within their relationship. This chapter ultimately aims to address whether Oxfam specifies that it has duties to strengthen downward accountability to its beneficiaries, and whether Oxfam articulates its duties vis-à-vis beneficiary rights within the NGO-beneficiary relationship.

First, I give a brief overview of the history of Oxfam America. I then provide background information on Oxfam America's conceptualization of its rights-based approach. Following this theoretical review, I begin Section I of this chapter with a review of *The RBA Learning Project*, a report that evaluated several CARE and Oxfam America projects in regards to the rights-based approach. After a discussion of this report and review of three case studies that it presents, Section II of this chapter reviews three additional case studies based on primary research.

To provide the reader with a glimpse of the findings, overall, this chapter reveals that the Oxfam America iteration of the rights-based approach is vague in its theoretical underpinnings, and imprecise in its application. Given that it is difficult to pinpoint the RBA, it is also challenging to discern whether this approach has the potential to be utilized as a mechanism of downward accountability. It seems however, that in general, the RBA is not currently framed or utilized as a mechanism of downward accountability and does not meet the criteria I outlined above. This suggests that there is room for change in how Oxfam America conceptualizes its RBA.

A brief history of Oxfam America

Oxfam Great Britain was founded in 1942 with the aim of alleviating famine conditions affecting refugees in Greece. Over time Oxfam GB's work shifted towards addressing the needs of the poor in developing countries. As one of several international affiliates, Oxfam America was founded in 1970 in response to the humanitarian crisis in Bangladesh. OA was initially fully funded by Oxfam GB. It became financially independent in the late 1970s. During that time the organization expanded; an executive director was hired, strategic annual planning began, and work was divided among four departments: Overseas, Fundraising, Development Education, and Administration. In 1994 Oxfam America opened additional offices in Washington DC that focus primarily on campaigning (Oxfam America 2006a).

Oxfam International, the umbrella organization for the family of 13 Oxfam affiliates, was founded in 1995, and lent to the growth of Oxfam America's international reach. Oxfam America currently works in 26 countries across the globe. The Boston offices serve as the central headquarters for all of Oxfam America's national and international work. The Oxfam America website identifies three general types of work that OA conducts: emergency response, issue-based work, and campaigns. It further describes five general issues on which OA works: "Making a Living, Natural resources, Peace and Security, Equality for Women, Indigenous and Minority Rights, and Global Trade" (Oxfam America 2006a).

History of the RBA at Oxfam

Oxfam America (along with other Oxfam affiliates) gradually adopted the language and rhetoric of rights in the late 1990s. By 2000 Oxfam International had begun to assert that, "social and economic rights are human rights"(Oxfam International 2001b). In late 2000 Oxfam formally adopted a rights-based approach (Brouwer et al. 2005). In 2001 Oxfam International released their annual report for 2000; it specified 5 strategic aims, each of which was linked to a right. These aims were to realize: (1) the right to a sustainable livelihood, (2) the right to basic social services, (3) the right to life and security, (4) the right to be heard, and (5) the right to an identity (Oxfam International 2001a). Of particular interest to this thesis, the "right to be heard" aim was further explained as, "Marginalized people will achieve their civil and political rights; will have an effective voice in influencing decisions affecting their lives; and will gain the moral support and skills they need to exercise these rights"(p.7). In the 2005 annual report (the most recent report at the time of writing) these aims remained essentially unchanged (Oxfam International 2005).

As evident in this definition, these rights do not correspond precisely with specific *human rights* as defined through international conventions, although Oxfam does assert that its RBA is

linked to accepted international human rights. However, this distinction between rights as defined by Oxfam, and internationally recognized human rights, has led some to suggest that Oxfam's approach can best be thought of as a "rights approach" rather than a "human rights approach" (see for example Plipat 2005).¹⁸ Rand & Watson of CARE and Oxfam America assert that, in addition to international and national human rights standards, "Rights-based projects also link development to self-defined rights. Human rights, as a field and as a framework, is in constant motion"(Rand & Watson 2007; p.26).

Since the RBA was introduced Oxfam International has continued to address these aims and to employ the language of rights in its work. What is the relation of the RBA, as defined by Oxfam International, to the RBA as implemented by Oxfam affiliates? According to Brouwer et al. (2005), "Different Oxfams may accord different emphases or priorities to the five rights-related aims, depending upon their national context and other factors, such as history and experience"(p.67). Oxfam America suggests that in recent years it has "progressively adopted" the RBA (Rand & Watson 2007; p.5).

Oxfam America, as one of the Oxfam affiliates, has undertaken specific efforts to employ the rights-based approach. For example, the Oxfam America *RBA Framework*, an internal document used for staff training purposes, emerged out of a workshop held in 2002 on the rights-based approach (Rand & Watson 2007). In 2003 Oxfam America's president, Raymond Offenheiser, coauthored a paper, "*Challenges and Opportunities in Implementing a Rights-Based Approach to Development: An Oxfam America Perspective*," that provided a justification for Oxfam's shift to policy analysis and advocacy as a part of their rights-based approach.¹⁹ And most recently, Oxfam and CARE have concluded a joint effort to evaluate several of their projects in relation to the RBA. This evaluation process, which began in 2002, has culminated in the forthcoming (2007) report, the *RBA Learning Project*. Together, these documents indicate the seriousness with which Oxfam America has adopted the RBA.

The scope of this thesis does not permit a thorough review of each Oxfam America publication. Instead, I explore in depth the forthcoming (2007) *RBA Learning Project*, which is most informative in terms of how the RBA has actually been implemented in Oxfam projects since the inception of the RBA.

¹⁸ Because of this distinction, some have argued that Oxfam's RBA does not represent a shift to a focus on rights, but rather is a re-packaging of their existing work within the language of rights. See for example Brouwer et al. 2005, in Gready & Ensor (eds) p. 65.

¹⁹ I discuss this report, in particular regarding downward accountability, throughout Chapter 2 of this thesis.

Section I: Review of Secondary Case Studies

In this section I review the forthcoming Rand & Watson *RBA Learning Project* (2007), a paper that details a joint effort undertaken by Oxfam and CARE to evaluate several of their projects in relation to the RBA. This report provides further evidence regarding how Oxfam conceptualizes their rights-based approach, and includes several case studies that provide a clearer image of how this approach is being implemented.

In 2002 CARE and OA undertook the *RBA Learning Project*. The objective of this project was to, “explore the fundamental assumption that implementing rights-based approaches increases program impact, and that the impact can be demonstrated”(p.6). The specific objectives were “To identify the key differences between ‘traditional’ development projects and development projects using rights-based approaches” and “To identify how using rights-based approaches changes the impact of projects”(p.6). In other words, the project was intended to provide evidence for the efficacy and legitimacy of the new rights-based approach. Rand & Watson argue that theirs is the first study to attempt to compare RBA projects with non-RBA projects and to identify, “lessons that could be used to improve the application of rights-based approaches in the field”(Rand & Watson 2007; p.1).

Beyond these specific goals, the project also had the underlying objective of clarifying what the RBA is, what implementation has meant, and how it might be improved. Rand & Watson (2007) write,

CARE and Oxfam International recognize and accept the moral imperative to address rights violations and discrimination wherever we work. Both organizations have thus made conscious choices to adopt rights-based approaches. *Practically speaking, however, we are still struggling to understand what this major organizational shift means* (Rand & Watson 2007;p.1. Emphasis mine).

Similarly, Rand & Watson indicate that both CARE and Oxfam America are in the process of adapting their programming to match the RBA ideology and are in the midst of a “struggle to fully understand what RBA means for the work we do”(Rand & Watson 2007; p.1). This point speaks to one of the key findings explored below; Oxfam’s rights-based approach lacks clarity in its definition, particularly in terms of how it should be operationalized.

In the *RBA Learning Project*, CARE and OA used a comparative case study methodology. Rand & Watson explain that they had intended to look at “projects that have consciously adopted rights-based approaches, versus those that are using (or have used) a more traditional development approach”(p.6). However, after examining numerous potential case studies they realized that they were unable to identify projects that clearly did or did not meet the

RBA criteria. In other words they realized that despite the organization's stated shift to a rights-based approach, they were unable to identify projects that were clearly in line with this new approach.

Because of this they shifted the approach of their analysis. Eight projects were selected and case studies were written by field staff over the course of several years. In 2005, once the cases were complete, 26 CARE and Oxfam staff met to analyze the cases and "explore the implications of rights-based approaches"(p.7). This group of staff endeavored to identify elements that characterize projects as rights-based. Rather than doing pairwise comparisons as originally planned, they ordered the eight case studies along a "rights-based spectrum," a continuum where 1= not RBA and 10= "fully RBA." Interestingly, *none* of the projects reviewed were seen by staff as being either "non-RBA" or "fully RBA." Rand & Watson report that no project "fell squarely at one end or another" of the RBA continuum(p.6). Again, this underscores the idea that staff (both those evaluating these projects, and presumably the staff who implemented them) were not working from fixed criteria that clearly delineate what is or is not "rights-based." Alternatively, it is possible that non-RBA and fully-RBA represent ideal types that would not exist in reality, but that these concepts still hold value in terms of posing questions and challenges in relation to the rhetoric of the RBA.

Essential Elements

However, from this ranking exercise the participants generated the following list of "essential elements" of RBA projects:

1. Thorough analysis of underlying causes, including explicit and ongoing analyses of power, gender and risk.
2. Community-centered development, including building sustainable capacity to claim rights and to drive decision-making.
3. Duty-bearers engaged, strengthened and held accountable.
4. Advocacy for sustainable change in policy and practice.
5. Alliance building.
6. Working at multiple levels (e.g. local, national, international).
7. Focus on groups that are marginalized and discriminated against.
8. Problems framed as rights issues and linked to international, national or customary standards (Rand & Watson 2007; p.15).

While the first of these elements emphasizes "analyses of power," the cases reviewed in the *Learning Project* report suggest that these analyses refer implicitly to the evaluation of power dynamics within a target population (for example existing gender roles), rather than power dynamics between NGO and beneficiary.

Of particular interest to this thesis is element number two, which states that communities should have the capacity to “claim rights” and “drive decision-making.” This item could be seen as bringing Oxfam’s RBA in line with my criteria for strengthening downward accountability. I have argued that in order to have potential use as a mechanism of downward accountability, a RBA should specify that beneficiaries have a right to a meaningful role in development projects that impact them. However it is unclear from the list of elements what kind of decision-making power communities should have, what kind of rights they should be able to claim, and *from whom* they should be able to claim these rights. In other words these essential elements provide a basic *framework* that could be applied to questions of downward accountability, but do not meet my criteria for establishing a *mechanism* that could be utilized to strengthen accountability to beneficiaries.

Also of interest is the third element, which speaks directly to accountability and the role of duty-bearers. Note, however, that who these duty-bearers are is not specified. In general, the cases (reviewed below) indicate that “duty-bearer” implicitly refers to the state, (or potentially to multilateral actors such as the World Bank or the World Trade Organization), but does not refer to CARE or Oxfam themselves.

Similar to the list of “essential elements,” *RBA Learning Project* participants identified nine categories of impacts that they believe RBA projects (as opposed to traditional projects) have. They report that RBA projects:

1. Effect changes in policy and practice
2. Have impact at multiple levels
3. Affirm the dignity of all human beings
4. Change power dynamics
5. Strengthen civil society to claim rights and to hold duty-bearers accountable
6. Strengthen peace and personal security
7. Open the political culture
8. Engender greater responsiveness, responsibility and accountability on the part of duty-bearers
9. Effect fundamental and sustainable change (Rand & Watson 2007; p.32).

Similar to the list of “essential elements,” this list of impacts *does* speak to changes in power dynamics, claiming of rights, and the accountability of duty-bearers. But, as in the elements list, it is unclear whether NGOs are be considered duty-bearers and whether the power dynamics in need of change include those between NGOs and beneficiaries. I would argue the cases (reviewed below) suggest that duty-bearer refers implicitly to *other actors* whom the NGOs believe are failing to uphold rights, rather than to the NGOs themselves, and that the change in

power dynamics seen in projects considered highly-RBA is generally between the state and citizens or between social groups, rather than between NGOs and beneficiaries.²⁰

Overall, the lists of elements and impacts suggest that the still evolving RBAs of CARE and Oxfam America have a clear potential to further questions regarding rights, duties, and accountability, but are not specific in defining rights & rights-holders, duties & duty-bearers, and the types of accountability in need of strengthening.

Power Analysis

Another relevant issue revealed in the *RBA Learning Project* is how CARE and Oxfam America conceptualize and respond to issues of power. Rand & Watson write,

Rights-based approaches require analysis that pushes people to reflect beyond the commonly stated problems and to get into the uncomfortable, hard-to-discuss but critically important factors about power relations that have to be tackled for the issues to be meaningfully addressed. With this kind of analysis, the intervention is less likely to involve service provision, and more likely to address underlying issues like corruption, lack of transparency or lack of participatory governance (Rand & Watson 2007 p.16).

Again, as in the elements and impacts lists, it is not specified *whose* corruption, lack of transparency, or lack of participatory governance is at issue. I would argue though, that Rand and Watson refer implicitly to other actors, such as the state, rather than NGOs.

For example, Rand & Watson write that, “the underlying causes of poverty are ...the result of a constant process of struggle over power and access to resources. Strengthening the capacity of the most vulnerable to engage in this process is what rights-based approaches are about”(Rand & Watson 2007; p.16). They note several types of power dynamics, including the power of states over citizens, men over women, and corporations over markets, however they do not note or reflect on the power of INGOs over beneficiaries (p.17). Interestingly, along with emphasizing holding the state accountable as a key element of the RBA, Rand & Watson also emphasize objectives to build accountability and transparency in their partner organizations (see for example p.74). This strong emphasis on holding other actors accountable, when NGOs are currently facing criticisms regarding their own legitimacy and accountability (see Chapter 2, Section I of this thesis), may be a less than strategic move. However, I think that with a strong and direct pairing of 1) these existing pushes for accountability in other actors, with 2) explicit efforts to strengthen NGOs’ own internal and downward accountability, the RBA could provide a more successful vehicle to strengthen NGO legitimacy.

²⁰ Rand & Watson also provide a table that identifies key elements that distinguish RBA and traditional projects. See Appendix D.

Emphasis on Government Accountability

In line with my arguments above, the *RBA Learning Project* places a strong emphasis on government accountability to citizens. For example, Rand & Watson write, “Projects using rights-based approaches emphasize not only concrete problems and people’s needs and rights, but also responsibilities, in particular the government’s legal obligation to respect, protect and fulfill people’s rights”(Rand & Watson; p.21). In the evaluation of the case studies, the two cases that ranked highest in terms of being in line with the RBA were also the only two cases that “took overt advocacy approaches” with local governments (Rand & Watson; p.23).

Interestingly however, Rand & Watson also indicate that there is a growing consensus about non-state actors having corollary duties to respect rights. They note that in the *RBA Learning Project*,

Non-state actors, as a category of duty-bearers, were not a focus..., primarily because there were few examples of actively engaging non-state actors. But this is an important category of duty-bearers for development practitioners to consider. There is broad understanding within the human rights literature that *states have the primary duty* to respect, protect, and fulfill citizens’ rights. Part of their duty to protect rights includes regulating the activities of non-state actors, like businesses and private organizations, so that citizens’ rights are not violated. By extension, and there is growing consensus on the matter, *non-state actors have a corollary duty* to respect people’s rights, *within the sphere of their activities*. ...This is an area that merits deeper exploration within the RBA literature and development community (Rand & Watson 2007; p.22. Emphasis mine).

I would argue, again, that NGOs are implicitly excluded from this concept of non-state actors, although the logic employed here could certainly be applied to NGOs. Of particular relevance to this thesis is that Rand & Watson indicate that the non-state actors’ duties relate to upholding rights (not circumscribed to *human rights*) “within the sphere of their activities.” This concept fits well with the potential to use the RBA strategically to delineate clearly what NGOs duties are vis-à-vis their beneficiaries, within the sphere of their activities. In particular since Oxfam has asserted that its RBA relates not only to national and international human rights, but also to “self-defined rights” (Rand & Watson 2007; p.26), there is space within this conception of a RBA to include beneficiary rights vis-à-vis the NGO itself. Any RBA that aims to analyze power dynamics, address root causes and focus on accountability, should be clear in specifying how these aspects relate not only to other actors, but also to the NGO itself.

Review of Select RBA Learning Project Cases

Above I explored theoretical underpinnings of the RBA as addressed in the *RBA Learning Project*. Below I review a selection of *RBA Learning Project* cases to illustrate key

aspects of implementation of the RBA. These cases, each of which happen to take place in Ethiopia, provide insights into the shape the RBA has tended to take in practice.²¹ The first case is the Oxfam America Ethiopia Make Trade Fair Coffee Campaign, which was rated as the “most-RBA” case by *RBA Learning Project* participants. I include it for review here because it is instructive in terms of what an ideal RBA project might look like, as well as how staff evaluate projects as either RBA or non-RBA. The second case that I review is an Oxfam America Small-scale Irrigation project. This case is an example of a project that was seen as being “somewhat-RBA.” Also, this case provides supporting evidence for findings that were later revealed in my own Agricultural Inputs case I develop in the following section. Finally, the third case that I include is the CARE Food-for-Work project. Although not an Oxfam America project, this case is instructive as a contrast to the ideals of the RBA. This case exemplifies many characteristics that were seen by *RBA Learning Project* participants as non-RBA.

The *RBA Learning Project* cases that I have opted to exclude from review each fell somewhere along the RBA continuum; somewhere between the Food-for-Work project and the Make Trade Fair Campaign. The cases I exclude here are, I believe, less instructive regarding how, if at all, RBA projects can be distinguished from non-RBA projects. If anything, the collection of cases appraised in the *RBA Learning Project* together depict an approach that is vague, difficult to define, and irregular in its application.²²

This thesis aims to address whether the RBA can be utilized to strengthen NGO accountability to beneficiaries, and whether the Oxfam America RBA, in particular, meets my criteria for use as a mechanism of downward accountability. My exploration of the following cases (both those reviewed in the *RBA Learning Project* and my own) is intended to address staff perceptions of what form the Oxfam America RBA has taken on the ground. A clearer understanding of the rhetoric in action is an important preliminary step in assessing the potential uses of this rhetoric for increasing downward accountability to project beneficiaries.

²¹ The *RBA Learning Project* reviewed cases from a variety of countries. I have selected these three cases for review for illustrative reasons (explained below). Their location in Ethiopia is coincidental. Of course, it is plausible that that these cases depict some characteristic specific to Ethiopian projects. However, these cases reflect a variety of approaches. The cases, as explained in the previous section, are illustrative examples intended to inform theory. They should not be viewed as a “sample” reflective of a larger “population” of cases.

²² These excluded cases are each available for review in Rand & Watson (2007).

**RBA Learning Project Case 1: The Make Trade Fair Coffee Campaign—
Ethiopia**

The case that was described as being “most-RBA” (but still not “fully-RBA”) by *RBA Learning Project* participants was the Oxfam America Make Trade Fair Coffee Campaign in Ethiopia. In short, this project utilized political advocacy in order to change the legal trade system under which Ethiopian coffee farmers were operating. Before the Make Trade Fair campaign, Ethiopian coffee farmers could only sell their crops to an auction house (or to brokers who sold to the auction house) where exporters bid on coffee for export. Under law, only the auction house exporters were permitted to export coffee. Because farmers could not legally sell their goods on the international market, they lacked leverage; prices were low and considered “unfair.” The situation worsened during the 2000-2001 coffee crisis; farmers’ cooperatives sold coffee to exporters at very low prices, only to find that the checks bounced. The livelihood of the coffee farmers was threatened.

In response, Oxfam America decided to “lobby the government to allow small farmers to sell directly to the international market” and to “strengthen the capacity of cooperatives in terms of management and production”(p.47). Results of the project included, among other gains, that, “Coffee farmers who could not sell directly to international markets now have direct access to international buyers with no intermediary”(p.51).

Of particular interest, because it reiterates issues underscored in a Zimbabwe case study (presented in the following section), Rand & Watson write that the Ethiopia Coffee Campaign faced the challenge that, “In Ethiopia, the government controls everything... The government has its own prejudices and problems with NGOs, often seeing them as adversaries”(p.48). It was, however, not clear from the case study why or how Oxfam was successful in engaging in direct policy advocacy in this potentially hostile environment.

Also of particular relevance to this thesis, this case study points to what aspects of the project were seen as “rights-based” by the evaluators. The Ethiopian coffee project scored highest on the RBA continuum because of its direct policy advocacy approach. This was seen as being linked to the RBA strategic aim of supporting a right to a sustainable livelihood as well as to holding the state accountable. In addition, beyond the connection to this identified right, the Make Trade Fair Campaign was seen as being both effective and high on the RBA scale because of its analysis of root causes and power dynamics. Rand & Watson write,

Oxfam America’s power analysis of the root problem of the Ethiopian coffee crisis led to a strategy with very concrete result. Previously, farmers were vulnerable to middlemen who exploited and robbed them. Now, they are able to sell directly to international buyers and are

being paid a fair price... The power analysis done by project designers led to interventions that directly addressed these barriers to coffee farmers realizing their right to an adequate livelihood (Rand & Watson 2007; p.17).

In presenting this case, Rand & Watson do not discuss either the concept of accountability to beneficiaries, or any existing mechanisms of NGO downward accountability. It is unclear what role farmers played and what mechanisms of accountability were available to them. While this absence of discussion certainly does not indicate that specific accountability mechanisms (such as, for example, adherence to codes of conduct, grievance mechanisms, etc.) were not in use, it does suggest that the concept of NGO downward accountability did not emerge as an important aspect regarding why staff felt this project was “highly-RBA” (or why it was not considered “fully-RBA”). To reiterate, the absence of references to beneficiary rights or NGO duties *within the NGO-beneficiary relationship* does not indicate whether or not these rights and duties were upheld. It does, however, indicate that NGO downward accountability was not evaluated as a relevant aspect of the RBA in this case.

RBA Learning Project Case 2: Rift Valley Small-scale Irrigation Project

Background

Another case worth reviewing is the Oxfam America Ethiopia Rift Valley Small-scale Irrigation Project. This case demonstrates several similarities with a Zimbabwe Agricultural Inputs project described below. The Irrigation project had two objectives, “to increase food security and income of subsistence farmers; and to protect their rights to the land”(p.100). The ongoing project reported that it also “hopes to indirectly develop the capacity of the community to think and organize itself”(p.100). The Irrigation project started in 2001. Farmers were relying on rain-fed agriculture and could not afford the inputs necessary for irrigation, which created a cycle of poverty. In response, Oxfam America funded small-scale irrigation projects.

Accountability rhetoric

As with the Make Trade Fair case (above), NGO downward accountability to beneficiaries was not discussed as a component of the “RBA Spectrum” in the small-scale irrigation project. This supports the notion that the concept of NGO duties to beneficiaries, within the NGO-beneficiary relationship, is not seen as a key element of the RBA.

Other interesting aspects of the RBA and its implementation were revealed in this case and are presented below. These findings support several unexpected findings that emerged in the primary cases (presented in the following section).

Additional Findings

In discussing the relationship of this case to the RBA, Rand & Watson note that in Ethiopia, “NGOs are only permitted to act as service providers and cannot engage in advocacy or civic education, or [they] risk having their certificate... revoked”(p.102). While this is somewhat confusing given the unexplained success of the Make Trade Fair Coffee Campaign (above), it does speak to the interesting dilemma of attempting to apply the RBA framework in contexts that do not permit vocal advocacy in terms of rights. Rand & Watson write that, “Importantly, because the government does not permit civic projects, this project had to appear to be a basic food security intervention, even though its deeper rights-based objectives were to increase land security, empower women and promote community organization”(p.104). In other words, the project was still presented and described by staff in terms of overall goals that were tied to the RBA ethos, although the project was arguably not able to adopt an actively rights-based approach because of situational constraints.

In addition, Rand & Watson note, “how difficult it is to mobilize people around their rights when the most fundamental needs are unfulfilled”(p.108). They recount that an Ethiopian staff person commented, “To make people gain more power you must help them first to feed themselves, so that they can talk of the right”(p.108). Similarly, a staff person from an OA partner organization noted, “For these people who are hungry, they do not even have the power to claim their rights. This is how we see the issue. First the basic needs should be fulfilled. These basic necessities should be a priority for other rights and should be fulfilled first. The people can’t strive for democracy because their needs tie them”(p.108). This case brings up an interesting tension between the urgency of unmet needs and the long-term objective of addressing unfulfilled rights.

In concluding the case study, Rand & Watson report that, “According to this theory” (as expressed by *Learning Project* participants), because the project has fulfilled some of the basic needs, “the beneficiaries have become more empowered and better able to access their rights”(p.108). This point may have truth to it, but the same could be said of nearly any traditional needs-based project. It seems that projects such as the small-scale irrigation project in Ethiopia do support criticisms that the RBA, if assumed to apply to all aspects of an organization’s programming, may constitute a re-packaging of traditional projects in the language

of rights, rather than an actual shift in the *approach* taken in designing and implementing projects.

That said, the RBA Learning Project brings up the question whether it is reasonable to expect that all projects should adopt an RBA, and whether, instead, some contexts call for more traditional needs based programming. Assuming that this is the case and that a range of application of the RBA is appropriate, it remains an interesting finding that staff do seem to be demonstrating attempts to re-package traditional needs-based projects in the language of rights. It begs the question what incentives they may be facing to do so.

RBA Learning Project Case 3: Urban Food for Work project –Ethiopia

Finally, for the sake of comparison it is useful to review the CARE Urban Food for Work project, which also took place in Ethiopia.²³ This project was not designed with the use of an RBA framework, and never adopted a rights-based approach over the course of its implementation (which lasted approximately a decade). I present this case here because it provides a clear example of many of the perceived pitfalls in traditional development to which the RBA attempts to respond. This contrasting example helps to illustrate what Oxfam America (and CARE) staff mean by rights-based versus needs-based aid.

In the aftermath of the civil war, food and shelter were critical needs as urban poverty grew rapidly (p.112). The objective of the Food-for-Work project was to “enhance short-term household food security for marginalized residents of Addis Ababa while improving primary infrastructure and basic services over the long term”(p.110). The project provided short-term food-for-work employment. Participants built basic infrastructure, such as schoolhouses and roads, in marginal urban communities. As a part of the project design, women were “to be equally represented as far as possible in all key project areas”(p.114).

The project was seen by *Learning Project* participants as being both non-RBA (unsurprising given that the project never espoused a rights-based approach) and seriously flawed along several dimensions. Evaluators identified flaws of this project as including:

- Failure to provide long-term food security.
- The project did little to improve sustainable livelihoods (the “right to a sustainable livelihood” being one of the five rights identified in the OA RBA). It was recounted that,

²³ All other projects presented in this thesis are Oxfam America cases. I incorporate this CARE project not as a comparison across the two organizations, but because its joint evaluation by both CARE and Oxfam staff is instructive regarding how Oxfam conceptualizes the RBA.

“Rather, when participants finished their work with the project, most simply went back to the kind of work they had been doing previously”(p.115-116).

- Although the project was specifically designed to “benefit women first and foremost,” pregnant women were not allowed to participate and there were no alternatives for breast-feeding mothers who were unable to perform the labor (p.116). The project was criticized as being discriminatory and as having deepened, rather than alleviated, existing power imbalances.
- Evaluators also argued that, “the project did not have an impact on systems, structures or policy changes in general”(p.116). In other words, it did not take an advocacy approach—highlighted as a hallmark of the RBA.
- Evaluators argued that cash would have been a better payment for participants’ labor:
 - Project participants were negatively impacted by fluctuations in the price of food.
 - Food-for-work programs are more complicated and costly than cash-for work programs.
 - Furthermore, the project was criticized for misattributing root causes: “Food insecurity... generally arises from... a lack of purchasing power. Seldom does it arise from lack of food availability”(p.117).
- The project reportedly demonstrated a relationship with partner communities that “could be described as more of a consultative process than a genuine partnership”(p.118). Interestingly, evaluators note that this occurred despite the fact that the program was designed and implemented with participatory processes. Evaluators pointed out that CARE held all of the decision-making power.
- The project was not flexible. After ten years the project showed no changes and “did not take notice of emerging approaches”(p.119).

The Learning Project participants discuss this variety of problems. A lack of accountability to beneficiaries is, I would argue implicitly, one of the main flaws of this largely ineffective, discriminatory project. Accountability to the ultimate beneficiaries, or mechanisms by which to improve accountability, however, are not mentioned in the discussion of this case. Yet, the imbalance between CARE and local partner organizations’ decision-making power *is* cited as being problematic in relation to the RBA. This does suggest that the concept of accountability (to partner organizations if not to ultimate beneficiaries) was at least tangentially connected to CARE and OA staff interpretation of the RBA in the context of this case.

Despite the many criticisms of the Food-for-Work project, evaluators emphasized that the project did succeed in building local infrastructure and providing food to otherwise starving

individuals. Overall, the food-for-work project is an example of a traditional needs-based project that arguably fostered a dynamic of dependency on the aid organization, did little to build local capacity, and did not have a sustainable impact, let alone a sustainable impact on the realization of rights.²⁴

Conclusions from the RBA Learning Project

Overall, the RBA Learning Project suggests that Oxfam America's RBA has not been implemented in a consistent way and does not reflect clear, specific, programmatic guidelines. Interestingly, while staff originally thought it would be possible to examine rights-based versus non-rights-based programs, they realized that these two categories were actually indistinct. Instead, the concept of "rights-based" and its implementation was seen as being fairly subjective, and falling along a continuum. Criteria were identified that tended to push projects towards one end of the spectrum versus the other. Many of these criteria are not directly linked to rights, yet were seen as being relevant to the RBA.

What do the cases reviewed suggest about whether Oxfam America's RBA meets the criteria I have suggested for utility as a downward accountability mechanism? In general, the cases suggest, first and foremost, that the RBA is still evolving and that organizations, including OA, are struggling to understand what it means and how to implement it. Given this, it is difficult to characterize with any precision what Oxfam's RBA is and what it has meant in terms of implementation. How does this speak to the question of downward accountability?

In general it does not appear from the cases that Oxfam is currently using the RBA in a way that meets the criteria I have outlined. The *RBA Learning Project* (along with other Oxfam reports reviewed in this thesis) does not explicitly identify—as a part of the Oxfam RBA—that their beneficiaries have specific rights as beneficiaries. Nor does Oxfam explicitly define their own duties within this relationship. However, at one point Rand & Watson do comment that,

Rights-based approaches require that both CARE and Oxfam reflect on their respective organizational cultures, including human resource policies and practices; transparency with staff, donors, partners and participants; the types of partnerships engaged in; and standards of accountability with all levels of stakeholders (Rand & Watson 2007; p.39).

This articulation of a RBA requirement to "reflect on standards of accountability" with stakeholders is certainly in line with the criteria I have outlined. It appears then, that the Oxfam

²⁴ For a discussion of another food-for-work case relevant to questions of dependency and accountability, see Collier 1996.

RBA, although perhaps not yet being actively utilized as a mechanism to strengthen downward accountability, has begun to be seen as a framework that calls for a closer examination of the NGO's own accountability relationships.

Rand & Watson argue that with the advent of the RBA, "the emphasis has changed from building capacity for technical purposes... to building capacity to claim rights and to hold duty-bearers accountable"(Rand & Watson 2007; p.34). I would argue that this view of the RBA could certainly be applied to the concept of downward accountability. How might NGOs build their beneficiaries' capacity to hold NGOs accountable as duty-bearers? It seems that if Oxfam were to explicitly incorporate this concept into their RBA, that it would be a potentially powerful framework with which to envision changes in accountability relationships with beneficiaries.

Section II: Review of Primary Case Studies

This section contains three case studies, each of which are based on interviews with Oxfam America staff. Interviews took place at the Oxfam America Boston headquarters in the winter of 2006-2007.

Case 1. Saving for Change—Cambodia

Information in this case study is based on a presentation by several Oxfam America staff from the East Asia Regional Office, an in-depth interview with one Program Officer, as well as supplemental written materials.

Background: What is Saving for Change?

The Oxfam America “Saving for Change” community finance program, run in conjunction with local partner organizations in Cambodia, Mali and Senegal, provides training on the establishment of small savings groups. Oxfam publications describe Saving for Change (SfC) as “an alternative microfinance model”(Oxfam America 2006b). Small, community-based savings groups are intended to provide a format for secure savings, as well as access to small loans to very poor populations that have shown difficulty in accessing traditional microfinance schemes (Ashe & Rhyne, date not listed).

Oxfam America (OA) estimates that 200 million of the world’s people are either too poor or live in areas too remote to enable them to access loans, which creates an additional barrier in terms of improving their economic wellbeing (Ashe & Rhyne, date not listed). The Saving for Change program aims to help members accumulate savings, avoid exorbitant interest rates charged by traditional lenders, keep money within their own communities, and make loans to community members to pay for items such as health care, education and agricultural inputs (Perera 2005). Village savings groups “act as their own community banks;” savings groups members have a safe place to accumulate savings, are able to make and access loans, and increase their collective holdings by paying interest back into the group fund (Oxfam America 2006b). Oxfam boasts that savings groups can be established for a total investment of about \$20 per group

member. Oxfam staff describe SfC as a “disruptive innovation,”²⁵ shifting away from the more traditional microfinance models in which economic development and capital accumulation is based on the receipt of loans from outside organizations (Oxfam America staff presentation, February 2007). Saving for Change is a program that is lauded for its ability to “combat poverty on a large scale with low costs, local control, and an easy-to-replicate format” (Perera 2005).²⁶

Saving for Change—Cambodia

In Cambodia, Oxfam America works with local partner organization, Centre d'Etude et de Development Agricole Cambodgien (CEDAC) in implementing Saving for Change.

According to the Oxfam America website, CEDAC, based in Phnom Penh, was

founded by a group of Cambodian agriculturists in 1997. Focusing on small-scale agricultural development and environmental conservation, CEDAC researches farming systems and local farming practices. CEDAC also trains communities on research methods, organic gardening, small-scale animal production, family farms management, basic sciences, and techniques in agriculture, ecological agriculture, appraisal, monitoring, and evaluation (Oxfam America 2006c).

Through this partnership between Oxfam America and CEDAC, as of February 2007 Saving for Change has over 29,000 members in Cambodia, 33% of which are women (Oxfam America staff presentation, February 2007).

One of the innovations in the Saving for Change model in Cambodia is that it pairs efforts in health education (for example information about malaria prevention), as well as agriculture education (for example information about improved rice cultivation techniques) with trainings on savings group formation (Oxfam America 2006b, Oxfam America staff presentation February 2007).

Implementing SfC

In general, Oxfam America provides funding and support services to their long-standing partner, CEDAC, while CEDAC takes the lead role in terms of implementation. More specifically, Oxfam trains CEDAC staff regarding the formation of savings groups. Oxfam also

²⁵ A concept introduced by Clayton Christensen that describes the emergence of new technologies (later adapted to include business models) that target markets that were previously ignored by dominant companies. Disruptive innovations capitalize on emerging or otherwise overlooked opportunities, often targeting customers with lower-end buying preferences. Disruptive innovations often displace the previously dominant technology or business model. See for example Christensen, Clayton and Joseph Bower (1995) *Disruptive Technologies: Catching the Wave*, and Christensen, Clayton (1997) *The Innovators' Dilemma*.

²⁶ The pros and cons of microfinance constitute a large debate within the field of international development. See for example, Dugger 2004, Jain & Moore 2003, Morduch 2000, Stuart 2002, and Tsai 2004.

takes the lead in monitoring and evaluation of the program, and does so with an eye towards providing feedback and guidance to CEDAC.²⁷

Exploring rights-based aspects of Saving for Change

How, if at all, does the Saving for Change program reflect Oxfam America's rights-based approach? SfC builds on concepts of capacity-building and minimization of aid dependence. In emphasizing these aspects of the program as strengths, the thinking behind this program indirectly acknowledges negative aspects of power dynamics in traditional development projects. Saving for Change seeks to avoid those dynamics by building on local capacities, and fostering an approach that has the potential for local replication without additional inputs from Northern donors. These aspects are in line with Oxfam's broadly defined RBA. Arguably, the project is linked to the right to a sustainable livelihood.

Capacity Building: Savings and Civil Society

In an in-depth interview with one SfC Program Officer, this officer stated that Saving for Change has an “*indirect link to the rights based approach.*” The basis for this link is that the program, perhaps unlike more traditional development projects, aims to “*build self-reliance*” and to “*encourage participants to see what is possible within their legal and civil structure.*” In other words, SfC focuses on capacity building at a local, community level. This emphasis on capacity building reflects the ninth “essential element” of RBA projects, described in the *RBA Learning Project*: “Community-centered development, including building sustainable capacity to claim rights and to drive decision-making”(Rand & Watson 2007; p.215).

In addition, the Program Officer suggested that the program aims to “*encourage people [beneficiaries] to think independently.*” He argued that, through learning to build and practice group accountability through the savings groups, the SfC program “*enables beneficiaries to expand their ideas of what they can hold others accountable for.*” The implication is that the savings groups have an indirect potential to strengthen civil society and encourage participants to

²⁷ Unless otherwise specified, information and ideas reflected in this case study are based on an in-depth interview with an Oxfam America East Asia Regional Offices Program Officer. February 8, 2007, Oxfam America Headquarters, Boston, MA, USA.

hold the state accountable.²⁸ This underscores earlier findings where addressing government accountability was seen as the hallmark of a RBA project.

As evident from these interview excerpts, this program officer's notion of "rights-based," in relation to the SfC program, focuses on capacity building in terms of individuals' and communities' abilities to meet their basic needs through economic savings. It also implies a hope that this type of capacity building will have larger spillover into the political arena, broadening beneficiaries' sense of their economic and social rights. It was further suggested that SfC works towards, "*building a culture of democracy and accountability at the grassroots level, as opposed to a more top-down approach to democracy building.*" Again, Oxfam America emphasizes the capacity building aspect of the program, not just in terms of its ability to grow local economic savings, but also in terms of a perceived ability to develop greater civil society capacities. While this concept of fostering local democracy and accountability and awareness of rights is appealing, whether or not the SfC program will accomplish these goals, and how they might be measured, remains unclear. Overall, the depiction of this project as rights-based because of tenuous connections to "democracy building" or state accountability was unconvincing. Because of the indirect and ill-defined connection between savings groups and capacities to hold government accountable for the realization of (unspecified) rights, the identification of these goals appeared to be an attempt to depict the project in a rights-based light, after the fact, rather than an indication that the project was truly designed with greater government accountability as a project goal. In other words, I interpreted these vague connections to civil society as evidence that this Program Officer was *attempting* to draw connections to the RBA where no clear connection was evident.

Capacity building: Avoiding a dynamic of dependence

Another rights-based hallmark of SfC identified by Oxfam America staff is that in Cambodia the program has been "demand-driven;" local partner CEDAC requested Oxfam's support in instituting a savings program. Whereas in Mali, for example, the Saving for Change project was more "supply-driven" (i.e. recommended by Oxfam). This distinction between aid that is demand- versus supply-driven underscores a shift in development thinking towards local capacity building and towards being responsive to local needs as experienced and defined by local communities. The Oxfam America Program Officer noted that SfC "*assumes that there are existing strengths and capacities within the community*" on which development projects can

²⁸ What constitutes "civil society," potential benefits of a strong civil society, and how to strengthen civil society are all large debates within the literature. See for example Alagappa 2004, Hoeber 2004, Lewis 2002, Migdal, Kohli and Shue 1994, Rosenblum & Post 2002, Schalk 2003, and Törnquist 2004.

build. Together these elements reflect a move towards development aid that is responsive, rather than proscriptive. Given that building local capacity has been pointed to as one of the nine RBA “essential elements,” this depiction supports the idea that this project is in line with Oxfam’s RBA.

Unlike traditional development projects, in the SfC program beneficiaries play an active (arguably the most important) role in creating and sustaining the “benefit” that they themselves gain. Once initiated, savings groups are independent and self-sustaining. They do not require additional inputs from donors in order to achieve economic goals. According to Oxfam staff, “Rather than being top-down” Saving for Change is “more bottom-up” (Staff presentation, Boston, February 7, 2007).

Another interesting aspect of Oxfam’s description of the SfC program is that it is intended to be self-replicating; once one savings group is formed, this group should have the ability, independent of additional input from aid organizations, to teach others about savings groups and to encourage the development of additional groups. According to Jeffrey Ashe, Community Finance Program Manager, the idea is to “drop that pebble in the water and see the ripples spread” (Perera 2005). Again, this type of approach resonates with the rights-based focus on capacity-building, and underscores a shift away from traditional development projects that, arguably, fostered relationships of dependency between aid organizations and beneficiaries. The self-replicating nature of the project brings it in line with the sustainability aspect of Oxfam’s aim to realize the right to a sustainable livelihood.

The program officer that I spoke with emphasized that beneficiaries’ participation in the SfC program is entirely voluntary, and that participants have no obligations towards Oxfam. He described it as a program without any “conditionalities.” This, he suggested, is an important distinction because of its implication in terms of power dynamics. He argued that, “*One of the strengths of the Saving for Change program is that it tries to avoid a dynamic of dependency. A different power dynamic exists between beneficiaries and Oxfam America in this type of program than in more traditional development projects.*”

In relation to the research question at hand, this is a particularly interesting aspect of the project because its unusual power dynamics also create unusual relations of accountability. Where beneficiaries have more power over the administration of a project, there is arguably less of a dynamic of downward accountability of NGOs to beneficiaries in the first place. In turn, there may be a diminished need to strengthen mechanisms of NGO downward accountability—because the power imbalance that creates the “downward” aspect of the accountability

relationship is less relevant.

A focus on rights-holders, rather than duty-bearers

One interesting aspect of the SfC program in contrast with other iterations of the rights-based approach is that it targets rights-holders as the objects of change, rather than targeting duty-bearers.²⁹ The Program Officer suggested that, “*It is of course still relevant to think of duty holders [the state] as being obliged to create an enabling environment in which citizens may realize their rights. However, this program [SfC] is focused more on developing the right-holders’ ability to realize their rights.*” In this sense, SfC frames itself as rights-based because of its capacity-building aspects, including in particular the notion that rights-holders (the poor) will gain capacity in terms of realizing their rights vis-à-vis the state. While the SfC project claims to be focused on “developing the right-holders’ ability to realize their rights” the distinction between this and a traditional needs-based approach is unclear. While the rhetoric itself is distinct (rights versus needs) it is not clear how, if at all, the actual implementation of the project would be different if it were coming from a “needs-based approach.” The link between small savings accumulation and the realization of rights is tenuous, and as noted above, appears to be more of a recasting of the project in line with the RBA objectives than an accurate depiction of the projects’ original design. This reiterates findings from the Rift Valley Small-Scale Irrigation project reviewed in the previous section.

It is interesting to note that projects that seem to represent a recasting of traditional development work are also those that focus on building rights-holders’ capacities, rather than on holding duty-bearers accountable. This is in line with the findings of the *RBA Learning Project*, where projects that engaged in direct advocacy were seen as being more RBA, and this advocacy element was described as the “hallmark” of the RBA approach (Rand & Watson 2007). In other words, projects that ostensibly target rights-holders, rather than duty-bearers, may generally fall lower on the RBA continuum. Arguably, projects that target rights-holders, such as SfC, are not likely to be “highly RBA.”

Ill-defined Strategies for Implementation

Interestingly, although this Program Officer described in detail the nuances of how the SfC program links to RBA thinking, he had a harder time describing any formal or informal requirements placed on him as a Program Officer, in terms of conceptualizing, implementing, and/or evaluating the program in line with the rights-based approach. He responded that, “*It is*

²⁹ See the Make Trade Fair Campaign case in the previous section for an example of a project that targets the state as a duty-bearer.

hard to say... It [implementing a RBA] requires valuing the process and taking a less linear approach.” This, as was further reflected by interviewees involved in other OA programs, depicts the vague nature of the RBA when it comes to implementation.

In general staff convey a “feel” for a conceptual shift that they associate with a rights-based approach, but how to *plan* for such shifts is less clear. This Officer, who’s role focused largely on evaluation and monitoring, suggested that in order for a program like SfC to be in line with Oxfam’s RBA there was a need to identify possible unanticipated outcomes, for example to develop a more nuanced and complete monitoring and evaluation that takes the realization of rights—for example women’s rights—into account when looking at other more traditional indicators. In other words for this officer, implementing the RBA meant developing broader evaluative measures that attempt to assess impacts that are potentially related to rights. He suggested that Saving for Change in Cambodia, *“utilizes careful evaluation; [such as] looking at rights-related issues, for example whether the program is associated with a change in the number of girls attending school.”* “But,” he added, *“establishing causal links is a big challenge.”* Thus, this rights-based approach to evaluation attempts to incorporate measures that assess rights-related issues, but evaluating whether a given program has helped bring a community closer to realizing a right, particularly given the very general nature of the rights as defined, remains a huge challenge. In addition, the large number of human rights (indirectly invoked through Oxfam’s five rights-based aims) and the practically infinite number of potential outcome measures for any given right put staff in a position of struggling to avoid what this Officer referred to as *“analysis paralysis.”*

The officer admitted that, *“There is still a great deal of confusion for practitioners regarding the rights-based approach.”* This confusion seems to reflect the broad nature of rights in general. The officer suggested that being clearly “rights-based” is difficult to achieve because, *“There are so many various rights,”* and because *“it is a huge arena.”* He suggested that in terms of specific project goals, *“Because of the ability of programs to impact a wide variety of rights, it becomes a question of setting priorities.”* This and other interviews seemed to reflect a general overwhelm with the breadth of the field of rights, particularly regarding how projects *should* aim to address rights.

While prioritization was cited by staff as a means to address the overwhelming breadth of the field of rights, no guidelines were cited in terms of how or why to prioritize one right or set of rights over another. The Program Officer noted, *“It is ill-defined how to prioritize [the various components of] rights-related programs and [factors that may lead to] systemic change.”* *“So programs tend to target specific rights, for example the specific gender-related outcomes in the*

SfC program.” It seems worth noting here how this Officer implied that programs “tend” to target specific rights; he did not indicate any coherent policy or organizational objective in targeting one right over another or a strategy of how to address rights under different local circumstances. Instead, application of Oxfam America’s rights-based approach remains a piecemeal muddling through.

In sum, the challenges to implementation belie the vague nature of the RBA. Practitioners’ struggles with implementation suggest that the RBA may currently exist more as a theoretical framework, rather than an applied, strategic approach.

Barriers to realizing the RBA

First, it is worth noting that this Program Officer, as opposed to other interviewees, did not cite situational constraints as key barriers to implementing the RBA. While other case studies point to the challenges of implementing rights-based projects in hostile, oppressive, or emergency contexts, this case (arguably facing less restrictive circumstances) located challenges (to bringing the SfC project more in line with the RBA) *within* Oxfam’s own organizational capacities.

In aiming to assess implementation of the RBA I also asked the field staff whether there are ways that SfC could be improved in terms of implementing Oxfam’s RBA, and if so, what are the barriers to making these improvements. The SfC Program Officer cited several items that would strengthen implementation of the rights-based approach in SfC. He indicated the need for more staff who are trained specifically in capacity-building, the need to develop more and better tools for analyzing change in target populations, and the need to improve Oxfam’s ability to “*look more carefully at rights-related variables*” when evaluating projects. In general these items seemed to underscore his idea that the rights-based nature of this program lies largely in its capacity building and evaluation objectives.

Also cited as room for growth was the need to strengthen input processes from partner organizations. This seems to suggest that while Saving for Change in Cambodia is seen as comparatively “demand-driven” and “bottom-up,” the relationship between Oxfam and CEDAC may still involve lopsided power relations. This point is quite interesting in terms of whether the rights-based approach might be relevant to organizations’ efforts to strengthen downward accountability. It seems as though, at least in this Officer’s thinking, the rights-based ideology is related to how Oxfam might strengthen its ability to be responsive to partner organizations and might address power dynamics that inhibit downward accountability. However, an inability or lack of direction regarding *how* to “*strengthen input processes from partner organizations*” was implied as a barrier to the realization of the ideals of the RBA in this particular program.

Also along these lines, the Program Officer suggested that, in order to be more in line with Oxfam's RBA, the Saving for Change program could improve participatory processes so that they might *"live up to what we espouse in terms of democracy."* Important to the research at hand, this Officer did imply that democratic accountability is relevant to Oxfam's RBA. As above, the implication was that participatory processes stood as a potential area for improvement, but lack of clarity about *how* to effectively implement such processes was implied as a barrier to fully achieving the RBA.

When asked about the relationship between participatory methods and rights-based approaches, staff of this and other projects seemed supportive of participatory methods in theory, but appeared to be without clear guidance regarding how to successfully make this a part of programming.³⁰ As reported by the SfC Program Officer,

Implementing participatory methods is a big challenge. It can be a double-edged sword.... In some cases [when done by other organizations] it may be little more than the 'obligatory whitewashing' necessary in order to appear legitimate. But, that said, incorporating the voices of communities and individuals is key... Legitimacy hinges on the input of communities.

This skepticism regarding participation echoes the principle tents of downward accountability. This Officer acknowledged limitations and potential misuses of participation. He did not, however, specify a lack of recourse as a key problematic of participatory methods. Still, he did evoke the idea of democracy, which implies a meaningful role for beneficiaries.

The field of development aid: RBA impacts on implementation

I asked the SfC Program Officer to describe any changes he had witnessed, overall, in the field of development aid since the inception of the rights-based approach. In terms of program implementation, he reported that, *"Change has been limited...There is change in the air, but the precise changes on the ground are more difficult to gauge."* It is interesting that even those

³⁰ The distinction between supply- versus demand-driven programs was seen as important to questions of participation. In terms of legitimacy, programs that are driven by a community's expressed need may not face such strong pressure to *create* a system of participation to ensure that the project is appropriate and respectful of local needs and preferences. Instead, a truly demand driven program could simply *respond* to that demand. However, how "demands" in demand-driven projects (such as Cambodia's Saving for Change) get articulated in the first place was unclear. It seems likely that such demands are generated in part by partner organization's understanding of what is likely to gain funding and support from Northern NGOs such as Oxfam, rather than being an unaltered expression of locally-defined development strategies. Furthermore, it seems that the ability of Northern NGOs to legitimately support a project that is requested by partner agencies would hinge on partner organizations' capacity to articulate such requests. In contrast to SfC Cambodia, more challenging circumstances would be those in which long-standing relationships between Northern NGOs and local partners do not yet exist, or in which the partner organization's capacity to propose projects (let alone rights-based projects) might be more limited.

responsible for implementing and evaluating these changes, themselves have trouble identifying and defining what those changes have been. Still, all interviewees seemed to agree that approaches to development work have certainly been shifting in conjunction with the philosophy that underpins a rights-based approach. Saving for Change is described as a program that exemplifies a distinct shift in the field—a shift to a focus on “grassroots, community-level” programming.

As mentioned above, in discussing the rights-based approach, Oxfam America staff emphasized a shift away from traditional development aid that consisted primarily of material donations, to an emphasis on capacity-building. The Cambodia SfC Program Officer suggested that this change represents an “*emancipation of thinking*” that is associated with the rights-based approach.

Case 2. Agricultural Recovery/Seed Program—Zimbabwe

In response to humanitarian crises, including the ongoing food shortage in Zimbabwe, Oxfam America has developed an agricultural inputs program known as the “Agricultural Recovery Program” or the “Seed Program to Help Zimbabwe Farmers.” The following case study highlights the impact of social, economic, and particularly political contexts, in NGOs’ ability to implement rights-based programming. Accordingly, this case will begin with an overview of the political and economic context in Zimbabwe, followed by an overview of Oxfam’s work in Zimbabwe, including the Seed Program. This case will end with a discussion of rights-based aspects of this program and the challenges to implementing a RBA under an oppressive regime.

Background information on Zimbabwe presented in this case is based on the popular press as well as publications by various human rights, development, and humanitarian aid organizations. Information about Oxfam America’s Agricultural Recovery Program is based on an in-depth interview with an OA Zimbabwe Humanitarian Program Officer March 2, 2007, as well as on supporting documents available on the Oxfam America website.

Background Information—Zimbabwe

Zimbabwe is a landlocked nation located in Southern Africa. Once considered the breadbasket of Africa, Zimbabwe is now known for its dire economic crisis, food shortages, and the harsh rule of President Robert Mugabe.

Political Context

Mugabe’s long-standing presidency has gained international infamy for accusations of widespread human rights violations including election fraud (Ali-Dinar 2005), arbitrary arrests, torture, gender-based cruel and degrading treatment, harassment and intimidation of human rights activists, disappearances, ethnic cleansing against the Ndebele minority, and obstruction of international humanitarian assistance (see for example Amnesty International 2002, Nabanyama 2002, and

**ZIMBABWE’S LOCATION
IN SOUTHERN AFRICA**

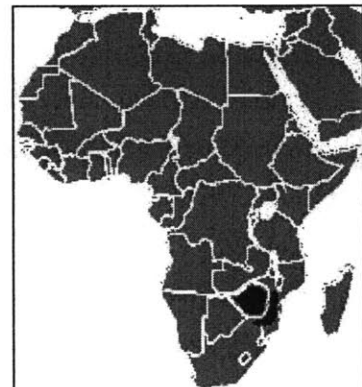


Image adapted from the
International Republican Institute
www.iri.org/africa/zimbabwe.asp

especially Human Rights Watch 2006).³¹

In addition to these violent and atrocious acts, the Zimbabwean government forcefully suppresses any press that is critical of the administration, and is generally believed to be responsible for the bombing of Zimbabwe's *The Daily News*, which was subsequently not permitted to reopen after its presses were destroyed (See for example BBC News 2001, and Wines 2004). Along with local press critical of the current government, the BBC, for example, has been banned from filming or reporting in Zimbabwe (Nkosi 2005; 2007).

To underscore the political situation at the time of writing, opposition leader Morgan Tsvangirai was arrested and has reportedly been beaten and seriously injured by police, while one of his supporters was shot dead and many others were arrested in a public demonstration on March 11, 2007 (See for example Meldrum 2007 and McGreal 2007). On March 28th, 2007, Georgette Gagnon, the deputy Africa director at Human Rights Watch expressed outrage at "The Zimbabwe government's flagrant violations of its citizens' rights" and reported that, "The government of Zimbabwe has intensified its brutal suppression of its own citizens in an effort to crush all forms of dissent"(Human Rights Watch 2007, ¶3). According to Human Rights Watch the already severe political oppression has recently escalated:

for the past few weeks [prior to March 28, 2007] police forces... have randomly and viciously beaten Zimbabweans in the streets, shopping malls, and in bars and beer halls. Police forces have also gone house-to-house beating people with batons, stealing possessions and accusing them of supporting the opposition. The terror caused by the police has forced many families in the affected areas into a self-imposed curfew after dark (Human Rights Watch 2007; ¶4-5).

The situation has become so grim that concern is mounting that Zimbabwe's political climate could destabilize the entire region.

Economic Context

The current economic situation in Zimbabwe is dire, with widespread food shortages and hyperinflation. Zimbabwe has been hard hit by HIV/AIDS; according to the World Health Organization life expectancy has now dropped to a staggering 37 years of age for men, and 34 years for women, the lowest in the world (WHO 2006).

In 2000 Mugabe initiated land reforms, redistributing agricultural lands to black Zimbabweans. The chaotic nature of these reforms, in which land was granted not to experienced farmers or laborers but to elite Mugabe loyalists, has been cited as the cause of a sharp drop in agricultural exports (Power 2003). Zimbabwe's involvement with war in the Democratic

³¹ Numerous other reports documenting human rights abuses in Zimbabwe can be found at <http://hrw.org/doc?t=africa&c=zimbab>

Republic of Congo has further sapped the ailing economy (Power 2003, see also Zimbabwe Human Rights NGO Forum 1999). Additionally, in 2005 the government “Operation Clean Up” program, designed to crack down on informal traders, impacted 700,000 people and left many homeless or without a means of livelihood (Mayne 2006).

Current Food Crisis

The current food crisis has been attributed to drought, the HIV/AIDS epidemic, corruption, mismanagement, and the poorly executed land reforms (Power 2003, Whiting 2005). Since 2000, because of persistent droughts few farmers have been able to produce crops. In some regions people have been forced to survive on wild fruits, with little or no access to other sources of food (Hufstader 2005). Many farmers have been unable to purchase seeds, fuel, or fertilizers, due both to farmers’ severe lack of funds as well as to nation-wide shortages in agricultural supplies (Hufstader 2005). Widespread HIV infection has further limited potential for agricultural production and individuals’ capacity to obtain agricultural inputs, both because of the large numbers of people suffering from the illness, as well as the added burden placed on the healthy to care for the sick and for orphaned children (See for example Farr 2006). Oxfam America estimates that five million Zimbabweans will require food aid this year (Oxfam America 2006d).

Oxfam America’s Work in Zimbabwe

Oxfam America is involved in a wide variety of humanitarian and development projects in Zimbabwe, ranging from support of direct political advocacy by partner organizations (for example including legal advocacy for women’s rights), to HIV/AIDS work, to famine relief. Oxfam works with over 14 partner organizations engaged in these various programs throughout Zimbabwe.

The Seed Program

Initiated in Mudzi, an arid region in the northeast of Zimbabwe, the Seed Program began in September 2005 when Oxfam America humanitarian workers partnered with local organization Single Parents and Widows Support Network in response to the growing food shortage. Together, Oxfam and Single Parents solicited local volunteers and formed committees to do a rapid needs assessment. Through a survey of the Mudzi population, 5,000 of the most vulnerable families were identified (Hufstader 2005). According to Oxfam America publications, families were considered vulnerable if they had chronically ill members, were caring for two or more

orphans, were female-headed, child-headed, or were headed by elderly grandparents caring for young children (Hufstader 2005).

Oxfam reports that in partnership with Single Parents they consulted with local farmers to develop an appropriate agricultural support program. They initiated a program that supplies seeds for drought-resistant crops to vulnerable families. After identifying families in need, this program raced to supply seeds rapidly so that they might be sown before the close of the 2005 planting season. It was hoped that the seed packages would not only provide needed dietary staples, but could also save families from spending meager savings on agricultural inputs, and instead these funds could be used for other needs such as school fees or health care for the chronically ill.

Oxfam America has engaged in continual monitoring and evaluation of this project. Since the program's inception in 2005, seed packages have expanded to include other inputs such as fertilizer. In addition, Oxfam has funded the development of community gardens in which garden members are provided with several rows of garden space as well as seeds for vegetables. These gardens are intended to help families grow vegetables that will be available for consumption between harvest seasons when food is most scarce. According to Oxfam the gardens, "require less intensive labor," which is particularly helpful to individuals who are weakened from HIV or have limited strength due to age, pregnancy, or other factors (Farr 2006).

Preliminary results of the Seeds Program

Oxfam America reports from April 2006 suggested that of those who were seed package recipients, "farmers grew substantially more than in previous years," and that "about 40 percent of the participants harvested a crop that would sustain them until December [of 2006]"(Hufstader 2006, ¶11). Monitoring and evaluation reports from April 2006 further suggested that, "Another 20 percent will have food until the next harvest in May 2007. This is a milestone for an area that has not been able to produce much in the way of crops for the last four to five years...it is a real achievement"(Hufstader 2006, ¶11).

Since April 2006, Oxfam reports that it has expanded efforts to include assisting farmers with seed collection, storage, and seed exchange programs, as well as attempting to identify barriers that prohibited some seed recipients from improving outputs in the previous growing season.

Rights-based aspects and implementation challenges

The Agricultural Recovery program is considered a humanitarian response effort (rather than a development program).³² In an in-depth interview, an Oxfam America Zimbabwe Humanitarian Program Officer described the Agricultural Recovery program as a “*protracted relief program focusing on helping communities access agricultural inputs.*” He suggested that Oxfam’s role is essentially that of coordinating the work of partner organizations and providing technical assistance.

Situational Constraints

When asked about the nature of rights-based approaches, this Program Officer suggested that, “*The rights-based approach is a taxing way of implementing a program.*” He explained that in the Zimbabwean context, “*communities rights are being compromised by the government.*” He argued that Oxfam America staff are in the position of trying to address rights, such as the right to a sustainable livelihood, in the midst of a political climate that does not permit direct advocacy. Two factors push relief work towards traditional channels; first there is the urgent need for food, second there is the political context that is reticent about any NGO presence, let alone programs that might engage in direct political advocacy.

Oxfam America staff frame the agricultural inputs program as one that attempts to address the right to a sustainable livelihood. This is presented as a new approach in contrast to traditional needs-based relief. According to the Program Officer, “*You’re coming in as an outsider trying to improve access to food and a sustainable livelihood. You’re trying to work around ‘needs’ to provide access to rights. However, the power mechanisms in place [i.e. the state] in this country inhibit this.*” The Zimbabwean Agriculture Recovery project mirrors issues that arose in the Ethiopian Irrigation project (presented in the previous section).

In discussing the Ethiopian Rift Valley Irrigation project, Rand & Watson (2007) suggest that, “Introducing RBAs is context specific. When an RBA project is designed, the ability to implement it can be delayed by the need to meet immediate needs, address conflict situations, and manage overall risk (Rand & Watson 2007; p.20). In addition, Rand & Watson assert that,

a big challenge associated with adopting rights-based approaches is implementation in humanitarian assistance arenas and conflict zones. Complex emergencies... require *rapid responses* that by their very nature leave little time for in-depth analysis of root causes, identification of duty-bearers or integration of community involvement (Rand & Watson 2007; p.39. Emphasis in original).

³² Except where otherwise specified, information presented in this case is based on an interview with the Oxfam America Zimbabwe Humanitarian Program Officer on March 2, 2007, Oxfam America Headquarters, Boston, MA, USA.

Rand & Watson suggest, however, that once a response is in place analysis and adjustments can be made in order to bring responses more in line with the rights-based approach.

In the Zimbabwean case, reconciling the constraints of the political and humanitarian context with a RBA philosophy that prizes interventions that address root causes is a challenge that Oxfam staff continue to face. According to the Program Officer, in the Zimbabwean context “*The rights-based approach is based on realizing these contradictions in the environment and trying to work around them by providing material resources to bridge the gaps left by the state.*” However, this description is very closely aligned with the standard definition of traditional needs-based programming. The very concept of NGOs stepping in to fill gaps left by the state is, arguably, in part what the RBA was developed as a response to.

Framing needs as rights

I asked this Program Officer how his work would be different if it were *not* rights-based. He responded that, “*It would be based on needs [rather than rights]. Programs would instead be focused on the provision of material needs.*” However, the Agriculture Recovery program is of course focused on the provision of material needs. Its main focus is the supply of seeds and other agricultural inputs. I questioned this Program Officer further regarding this distinction. He argued that, “*This is agricultural aid, not food aid. It is linked to realizing the right to a sustainable livelihood.*”³³ In other words from his perspective, if the program provided food, it would be considered “needs-based,” however because it provides seeds it is more rights-based. In this sense the program has taken a step (albeit a very small one) towards being more rights-based in providing the tools with which communities may work towards self-sufficiency.³⁴ If we adopt the concept of an RBA continuum as described in the *RBA Learning Project*, it may make

³³ Oxfam International publications distinguish between *food aid*, *emergency food aid*, and *project food aid*; “*Food aid* is the donation of internationally sourced food to recipient households, communities or governments either as concessional sales or free of charge... *Emergency food aid* generally consists of the free distribution of general food rations, supplementary and therapeutic feeding... *Food aid* is also provided in non-emergency situations as *project food aid* (development projects which use food aid or which are financed by the sale of food aid)”(Mayne 2006, endnote 23. Emphasis mine).

³⁴ In contrast to traditional food aid, Oxfam International describes their livelihood and development support as including, “(a) agricultural support—access to free or subsidized fertilizer and other inputs, such as seeds; farmers’ fairs to improve access to appropriate seeds; training for small-scale vegetable gardeners; community grain storage and seed banks; water conservation... environmental management... crop diversification and labour saving technologies (b) livestock support... (c) income support—cash transfers, cash or food for work, micro-credit and insurance... (d) improving access to markets...”(Mayne 2006, endnote 68).

sense to think of these small adjustments in programming, within the given contextual constraints, as moving projects closer to the RBA end of the spectrum.

The Program Officer asserted that, “*It is not obvious in this political situation [that one is using a] RBA. It might appear from the outside that you are working from a needs-based approach because of the political context.*” Of Oxfam’s approach overall he suggested that, “*It can be indirect, but it is rights-based.*”

When asked if there are ways in which the Agriculture Recovery program could be more rights-based and whether there are barriers to achieving this, this Program Officer replied that, “*In Zimbabwe we would want to enlighten communities and educate people regarding their rights, but this would not be permissible given the political climate. The climate doesn’t really allow you to engage communities.*” He further noted that, “*In emergency situations sometimes you [relief workers] focus on needs first. While you [as a relief worker] have in mind that you are actually addressing rights, people [beneficiaries] may be ignorant of their rights.*” These excerpts underscore the difficulty of addressing rights, and of being responsible for implementing a RBA, when the political context does not permit an explicit focus on rights, and when the urgency of the situation calls for an immediate response to unmet needs.

This also begs the question, once again, whether it is necessary for all Oxfam projects to assert that they are in fact, rights-based. It seemed that this program officer was highly motivated to assert that the Seeds program was working from a rights-based perspective, even though it is not possible to discern that perspective from the characteristics of the project itself. Rather than suggest that the project is *not* rights-based, but that it hopes to evolve and to address rights more directly as the situation permits, this officer seemed driven to assert that the program was rights-based, presumably because of the rights-oriented thinking of the staff behind it.

It may be the case that because concepts of rights-based and best practices overlap, Oxfam’s organizational culture may not permit for an admission that a program does not focus on rights. However, as this officer said, sometimes (for example in emergencies or hostile circumstances) it may be necessary to focus on needs first.

Movement along the RBA continuum

Given that the Oxfam RBA appears to lack clarity overall, it might be helpful to adopt an organizational perspective that asserts that all individual projects need *not* be rights-based, but that each project should be designed and implemented taking into account the rights-based framework. Then, as projects are evaluated and evolve over time, the rights-based approach would be a strategy that attempts to *move projects along the RBA continuum*, as much as possible

given the existing situational constraints. The Zimbabwe Seeds program, for example, could begin to focus more directly on building local capacity, for example through the development of seed banks. It could opt, over time, to amplify the programmatic aspects that are most in line with the rights-based approach. This is, in fact, what we have seen with this program. In the first year of its implementation it focused on delivery of seeds. In the second year it expanded its objectives to include training farmers on seed collection, seed storage, and developing seed exchange programs.

This strategy might, however, be easier said than done, particularly given Oxfam's existing capacities. It seems likely, given Oxfam's historical expertise in responding to needs, especially in emergency contexts, that there will continue to be a strong impetus to develop needs-based, rather than rights-based projects. This is akin to the metaphor of only seeing nails when you have a hammer. Given that Oxfam is a leading expert in emergency response, it seems like a very challenging organizational shift, to move away from traditional responses towards projects with longer-term, rights-oriented impacts.

Permissible rights

While the Agriculture Recovery program is a humanitarian project that addresses rights only indirectly, other Oxfam America programs in Zimbabwe (and Southern Africa more generally) do engage more directly with questions of rights. For example an Oxfam-supported initiative to pass stricter legislation regarding domestic violence has recently met with success in Zimbabwe. Interestingly, the Program Officer that I spoke with suggested that the specific political context in Zimbabwe allows for explicitly rights-based programming regarding some kinds of rights (such as women's rights), but not others. He suggested that in development programs (as opposed to relief programs) there is generally a more direct relationship to rights.³⁵

The Officer noted Oxfam's involvement in gender-based programming that has focused on educating and empowering women, as well as on legal reforms. Oxfam America has been working to build capacity in local Zimbabwean organizations that are engaging with women's rights issues. The Program Officer noted that, "*This approach only becomes contentious politically when those local organizations attempt to act on the state.*" He further noted that, "*When focusing on some rights that are not contentious, for example women's rights, it is ok [to use a more directly rights-based approach] but when you try to address rights such as self-determination, it becomes difficult in a volatile political climate.*" In other words, were Oxfam to suggest that Zimbabwean citizens have, for example, a right to a sustainable livelihood that the

³⁵ This supports one of my original hypotheses regarding these different program types (see Chapter 3).

state is failing to support, this would in all likelihood result in censoring by the state and could perhaps limit Oxfam's ability to continue its work in Zimbabwe. The Program Officer suggested that, "*Ideally in a democratic environment it would be easy to fully talk about rights. But, because we are working in a constrained environment [this is not possible]. In circumstances where you can communicate openly it is easier to be up-front regarding the rights-based approach.*"

Civil Society

I asked the Program Officer whether it was frustrating to be working to try to address rights in an environment that thwarts these efforts. He responded that, "*Yes, but in order for those people [beneficiaries] to realize their rights, they may first recognize the shortcomings of the duty bearers [such as the state]. This is an indirect way of building communities' capacity to claim their rights.*" This, somewhat similarly to the Saving for Change program in Cambodia, points to a concept that development and humanitarian programs (under the rights-based approach) may, through providing support programs to the poor, inspire in poor communities a sense that their state has been negligent and that they have a right to claim their human rights vis-à-vis the state. Yet, this logic is, to the best of my knowledge, untested. It seems fairly implausible, that provision of material inputs by an NGO would indirectly lead beneficiaries to conclude (if they had not already done so given the political context of Zimbabwe) that their government had been negligent in providing these services. To the contrary, the rights-based approach evolved, in part, out of criticisms that traditional aid was displacing, rather than building government capacity.

Participation

In terms of participatory methods, this Program Officer reported, "*What we normally do is, we go out and do assessments. Before we decide what program to implement we discuss it with local communities regarding what program they would like to see implemented, within the given constraints.*" He also noted that,

We go even further when implementing. We involve local communities in implementation, particularly in terms of beneficiary selection. Also, partner organizations do community engagement meetings and consult with community leaders. Then communities monitor and report on resource use in their community.

While this information lacks specificity, it does point to an awareness among field staff regarding the ideology of participatory methods. The community monitoring and reporting of resource use may constitute a mechanism of downward accountability.³⁶

Accountability to beneficiaries

This case study also highlighted difficulties that arise in emergency situations regarding questions of accountability to beneficiaries. When asked about accountability to beneficiaries this Program Officer largely responded in terms of issues of transparency. He suggested that, *“We try to enlighten communities of our intentions and be very open up front in terms of what we intend to do. From my point of view we are very transparent.”* He also commented, *“We are really focusing on rights.”* In addition, he noted that there is often a tendency for partnerships between Northern NGOs and local organizations to be based on patronage. He argued that such relationships are questionable and that Oxfam America avoids creating these kinds of dynamics by being straightforward about intentions and resources. *“When we don’t have resources”* he said, *“we are also very up front.”* Overall, this interview underscored the difficulty of creating a rapid response program that includes measures to ensure accountability to beneficiaries. In responding to emergency situations, such as the Zimbabwean food crisis, humanitarian relief workers may see their primary responsibility as addressing urgent needs in whatever way will be most expedient. Transparency regarding intended plans is certainly of merit. Avoiding relationships based on patronage is also commendable. However, transparency is only a small piece of accountability. If beneficiaries have no say over what type of aid they receive, or have no recourse if aid programs fail to help or even harm them, accountability has not been achieved. Of course, the implementation of effective mechanisms of downward accountability in emergency situations is far easier said than done.

Furthermore, this Program Officer’s limited responses regarding mechanisms of downward accountability did not seem to be entirely in line with his depiction of the program. The Agriculture Recovery programs were ostensibly designed with input from the local community, in particular regarding the identification of vulnerable families. In addition, ongoing monitoring and evaluation by Oxfam and Single Parents may be used in order to improve the program and/or bring it more in line with beneficiary needs and preferences. In sum, this program is still evolving in terms of its use of mechanisms of downward accountability. More

³⁶ Due to time constraints I was unable to gain more information regarding the specifics of these participatory methods. More research in this area could illuminate what accountability mechanisms are currently employed in this project and whether or not they are effective.

research into how the Seeds Program responds to ongoing developments could shed further light on best practices for NGO accountability mechanisms in crisis situations.

In terms of staff understanding and interpretation of the RBA, it was unclear whether or not this Program Officer saw downward accountability as a component of the RBA. What emerged as more salient were the barriers to implementing the RBA. These same barriers would presumably constitute barriers to utilizing the RBA as a mechanism for downward accountability in constraining circumstances. In my opinion this case demonstrates that, regardless of the specific iteration of rights-based rhetoric (and whether or not it meets my criteria as a mechanism of downward accountability), this rhetoric may have limited impact in on-the-ground implementation, particularly in restrictive political contexts.

Conclusions

The Zimbabwe Seeds program highlights the challenges to implementing a rights-based program in hostile political contexts and emergency humanitarian situations. Rights-based approaches emphasize addressing root causes, however Oxfam America certainly does not hold a lack of seeds to be the root cause of hunger in Zimbabwe. However because of the political context, Oxfam is faced with the near-impossible task of developing a rights-based relief program in a country where, in general, talk of rights is impermissible. In cases where human rights violations are the most egregious, and where a rights-based approach seems most obviously applicable, aid organization's hands may be tied by those same factors, making the implementation of a truly rights-based approach unattainable.

This case also highlights the dilemma, within an organization that espouses a rights-based approach, of whether *all* projects should be assumed to meet rights-based criteria. Interestingly, staff of this and other projects seemed motivated to portray their work as being rights-based. RBA ideology seemed to overlap heavily with a general concept of best practices. However, even given the vague nature of Oxfam's RBA, some projects do not seem to meet RBA criteria. There is a tension created because of this disparity between the rights-based organizational ideology and the actual work being done.

It seems that a "fully" rights-based approach could only be applied under very specific circumstances. These would be circumstances under which there is a clear case of a right being inhibited and where the form of inhibition of the right is amenable to change through political advocacy. In other words, although there are probably many symptoms of poverty that Oxfam might identify as being due to rights-holders' inability to realize the "right to a sustainable livelihood," only cases in which this is caused by a clearly political issue, and only cases in which

the stakeholders are likely to be responsive to political pressure, such as in the Ethiopian Make Trade Fair Campaign, are likely to be amenable to successful implementation of a “fully rights-based approach.”

What does the current case indicate about Oxfam’s RBA as a mechanism for downward accountability? I would argue that if we accept the notion that projects will vary in terms of the degree to which they reflect the RBA, and that it is a reasonable goal to try to move projects along a continuum, from traditional needs-based work towards more rights-based work, that it may also make sense for individual projects to progressively work towards greater downward accountability. If strengthening downward accountability is related to diminishing the power imbalances between NGO and beneficiary, and to increasing beneficiaries’ capacity to hold the NGO in question accountable, it seems reasonable to envision that these aspects too can be 1) constrained by local contexts and 2) gradually improved upon over the course of a project.

Case 3. Disaster Risk Reduction—Boston Headquarters

This case depicts aspects of implementation of the rights-based approach pertinent to the coordination of Oxfam America's humanitarian work. It addresses links between accountability to beneficiaries and rights-based humanitarian aid. This case differs from the previous two cases in that it aims to explore how the rights-based approach is interpreted in Oxfam America's Boston headquarters, as opposed to in the field. However, the staff person interviewed for this case has extensive experience in other Oxfam offices, both in other headquarters as well as field positions (including with Oxfam International and a European Oxfam branch). Thus, this case draws links between these two arenas. The following section draws on an in-depth interview with Oxfam America's Disaster Risk Reduction Specialist, as well as on supporting documents, most of which were suggested for review by the interviewee.

This case will begin with a brief recap of background information about Oxfam America. It then describes the philosophy that underpins the position held by the staff person interviewed for this case, which forms a valuable starting point for a discussion of rights-based approaches within the evolving field of humanitarian relief. Next I recount this staff person's ideas regarding the impact of the rights-based approach on the field overall. I then discuss existing accountability mechanisms within the humanitarian sector, and their relationship to the rights-based approach. Finally, this case addresses a perceived lack of evaluation in relation to the rights-based approach.

Oxfam America Boston Headquarters

As stated earlier, Oxfam America was founded in 1970 in response to the humanitarian crisis in Bangladesh. Oxfam America was first located in Washington DC, but relocated to Boston in 1973. Oxfam America currently works in 26 countries across the globe. The Boston offices serve as the central headquarters for all of Oxfam America's national and international work. Oxfam America is an affiliate of Oxfam International (Oxfam America 2006a).

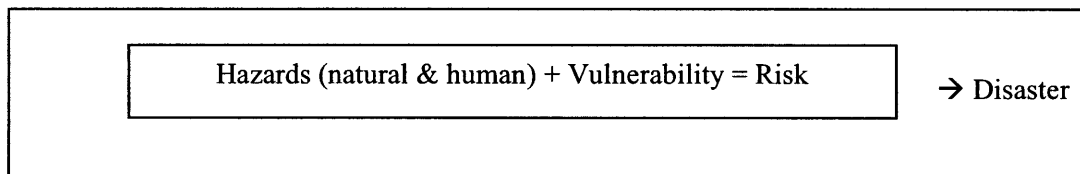
Disaster Risk Reduction—A new position at Oxfam's headquarters

The following case is based primarily on an in-depth interview with a staff person based in the OA Boston headquarters, which took place on February 2, 2007. An understanding of the recent developments in the position held by the interviewee sheds light on the current state of thinking regarding humanitarian interventions at Oxfam America.

The Disaster Risk Reduction Specialist position is a new one. When first advertised in 2006 the position was described as “Prevention and Preparedness Specialist.” However, when negotiating the job offer, the candidate argued that the title should be changed to “Risk Reduction” in order to more accurately reflect current thinking regarding best practices in humanitarian work. The staff person that I interviewed for this case accepted the position in October 2006, at which point the title was changed, accordingly, to Disaster Risk Reduction (DRR) Specialist.

What then, is the difference between “prevention and preparedness” and “disaster risk reduction”? The staff person I spoke with described the disaster risk reduction model, drawing on ideas borrowed from Wisner et al. (2004) (See in particular Figure 2.1, p.51). He sketched the following framework:

Figure 2. Disaster Risk Reduction Framework



The DRR Specialist suggested that, within the fields of development and humanitarian relief, attempts to address the “Hazards” component might include efforts such as flood hazard prevention³⁷ or conflict prevention. Attempts to address the “Vulnerability” aspect may include traditional economic development work as well as minimizing the impact of emergencies on affected communities (referred to as “mitigation”). Addressing the “Disaster” component, he argued is traditional “relief” work; its point of entry occurs only after a disaster has taken place. Disaster Risk Reduction, in contrast to any of the aforementioned approaches, is a strategy that aims to address all of the components that contribute to risk of disaster. In the DRR Specialist’s opinion, “risk reduction” more appropriately frames the type of work that Oxfam America strives for, than does “prevention and preparedness” terminology. In response to a recent external evaluation that suggested the need to strengthen links between Oxfam International’s humanitarian and advocacy work, Oxfam International suggested that they would promote DRR approaches in order to address this gap (Oxfam International 2006 p.11).

³⁷ For example, in El Salvador Oxfam supports programs to help flood-prone communities grow a flood-resistant variety of cashew trees (Oxfam America 2007)

As of February 2007 Oxfam America is still in the process of developing what precisely the focus of the new Disaster Risk Reduction position will be. In particular, it remains in question what percentage of the job will focus specifically on DRR, as opposed to more traditional humanitarian relief work. Oxfam is developing a strategic framework for their humanitarian programs, which is expected to be finalized by October of 2007.

Disaster Risk Reduction and the Rights-Based Approach

How then is the distinction between preparedness & prevention versus disaster risk reduction meaningful in light of the rights-based approach? To some extent, the DRR approach may be viewed as a manifestation of the RBA emphasis on root causes. With its focus on reducing risk (at all levels of intervention), DRR aims to address the root causes of disasters themselves. In addition, because DRR emphasizes reducing risk as opposed to preparing for disasters as if they are inevitable, DRR could be seen as implying that people have a right to be protected *from the occurrence of* disasters, (rather than, for example, an implied right to be prepared or to receive help after disasters have struck).³⁸

This brings an interesting issue to light; the fact that a program describes itself as addressing rights may not be the deciding factor in what gives it what this interviewee called the “rights-based flavor.” Ironically, what makes a program “feel” more rights-based or fall closer to the RBA end of the spectrum, may instead be the particular rights that a program addresses or the way in which the program defines the rights in question. In this case study, one can see how a focus on reducing the risk of occurrences of disasters (DRR) is more closely aligned with a rights-based emphasis on root causes, than would be a preparedness approach, for example. This is true despite the fact that a preparedness approach could be ostensibly tied to the rhetoric of human rights as easily as could a risk-reduction approach. In other words, at Oxfam America (and elsewhere) the notion of “rights-based” may not reside entirely, or even primarily, in a program’s relevance to human rights (as described in the International Bill of Human Rights or elsewhere). Instead, the rights-based approach may more accurately be thought of as a philosophy that takes human rights as a philosophical starting point, but includes other concepts that are not necessarily dependant on a link to enumerated human rights per se.

³⁸ The DRR Specialist noted that some thinkers in the field (for example the Panama-based NGO, *Red de Estudios Sociales en Prevencion de Desastres en America Latina*, or, the Network of Social Studies for Prevention of Disasters in Latin America, “LaRed”) are currently advocating for a “right not to suffer disasters,” or a “right not to be vulnerable to disasters” which would encompass and build on other rights.

I asked this DRR Specialist if and how he sees rights as relevant to an approach that orients itself towards disaster risk reduction. He theorized that one possible way that DRR might connect to the rights-based approach would be in highlighting the *links between different rights* and the importance of recognizing these links in addressing rights. (For example specific women's rights might link to the right to a sustainable livelihood, which might in turn relate to risks of vulnerability in disaster situations). Because DRR aims to address risk at all levels of intervention, an emphasis on links is highly relevant. Thus, the DRR approach may have some utility in improving understanding and implementation of the rights-based approach.

This addresses whether DRR might be useful within a rights-based context. But what of the utility of the RBA itself within the context of a DRR approach? Interestingly, the DRR Specialist argued that while some Oxfam staff have suggested that establishing connections between different approaches (i.e. response, reconstruction, and development) should be easier with a rights-based approach, he disagrees with this standpoint. He argued that "*You can coordinate these strategies with or without a rights-based approach,*" and that "*A rights-based approach is not the deciding factor.*" In other words, the DRR Specialist implied that while the DRR approach might be a helpful tool for understanding how to strategically implement the RBA in the humanitarian field, the rights-based approach itself is not the key factor for successful reduction of disaster risks.

Challenges to implementing the RBA; Prioritizing amongst rights

The DRR Specialist noted that the rights-based approach has led to complex challenges that had not been previously addressed in development or humanitarian work. For example, once the RBA began to be implemented, questions of "*prioritizing amongst rights, for example [the right to] life versus [the right to] sustainability,*" became serious concerns in how to proceed. He argued that these questions about how to prioritize, and thus how to proceed with implementation and programmatic strategies, are particularly complicated because of the exceptionally broad scope of Oxfam's work. He suggested that Oxfam International (and Oxfam America by extension) perceives its role as "*doing everything*" and likened this strategy to being "*the Walmart of poverty reduction.*" This, he argued, "*can be a bit schizophrenic.*"

In particular, he suggested that the issue of rights in conflict³⁹ as well as the need to prioritize rights "*applies especially in humanitarian response situations.*" This makes intuitive

³⁹ There is a complex debate within human rights studies regarding whether rights can logically come into conflict with one another, and if so, what this indicates about the meaning of rights, inalienability of rights, and/or the conceptual usefulness of rights overall. Thomas Scanlon suggests that where different human rights appear to be in conflict with each other this is actually an indication that the *duties* evoked via those

sense, as the need to prioritize interventions is logically heightened when implementing immediate emergency responses. Overall, these comments reiterate findings from the previous cases regarding challenges in relation to prioritization amongst rights. Despite these complications, the DRR Specialist concluded, “*Sometimes the rights-based approach creates difficulties, but overall it is important and useful.*”

Imperceptible changes or tangible shifts? RBA impacts on the field

Overall, changes that have come with adoption of the rights-based approach have been gradual and subtle. While a shift in rhetoric is evident, staff seem to have difficulty in pinpointing tangible changes on the ground. Furthermore, it is difficult to decouple changes related to the rights-based approach from other simultaneous shifts in development and relief work. As the rights-based approach tends to encompass and assimilate other theories of best practice, it is difficult to pinpoint a causal agent (be it the RBA or another source) of changes in the field.

I asked the DRR Specialist, who has over ten years of experience in the field, what the adoption of RBAs has meant in both theory and in practice. In particular I inquired as to whether he has perceived any tangible changes in on-the-ground practice in relation to the adoption of RBAs. In response, he argued that the rights-based approach has not had a large impact on the “day-to-day” practices of NGOs. He suggested that the RBA, first adopted by Oxfam in 2001,⁴⁰ was essentially a “rephrasing” of previously existing approaches. This is very much in line with criticisms that the RBA did not represent a real change in approach, but rather was merely a “new bottle for old wine.” However the DRR Specialist suggested that, “*At first there was not a big change.*” But that later, one could sense “*how the RBA flavor was influencing humanitarian work.*” It seems that the impacts of the rights-based approach are difficult to discern. These impacts may tend to be obscured in the eyes of practitioners because of their gradual nature.

Need for Evaluation

Throughout this interview, the DRR specialist noted a lack of evaluation of the impact of the rights-based approach, and suggested that evaluation has been particularly lacking in the field of humanitarian relief. He mentioned that as of yet there has been no substantive evaluation of the principles set forth in Oxfam International’s *Humanitarian Dossier*. Similarly, of the Sphere

rights have been ill defined. He argues that rights, when properly articulated, cannot be in conflict (class lectures, Harvard 2006). I have argued elsewhere that rights may be seen as moral priorities that are mutually *limiting*, rather than *conflicting*. Furthermore, with a view of rights as guiding priorities, rather than absolutes, questions of conflict may be less problematic (Bradley 2007a). See also Sen (2004).

⁴⁰ I discuss the history of the RBA at Oxfam America earlier in this chapter.

Project's Humanitarian Charter he remarked, "after the Charter was in place, the next 5 years were spent in trying to institutionalize it, not incorporate it with a rights-based approach or evaluate it." This lack of evaluation sets the stage for the need for further inquiry into the rights-based approach, in terms of both its theoretical grounding as well as its implementation.

Implicit Links between the RBA and Downward Accountability

Along with the development of the rights-based philosophy, other shifts have been taking place in the field of humanitarian relief that underscore the link between the RBA and accountability to beneficiaries. As mentioned in Chapter 2, since the mid 1990s formalized standards and codes of conduct have been evolving in the field of humanitarian aid. In concert with the adoption of the rights-based approach, these standards have witnessed a shift towards a strong emphasis on downward accountability.

When I asked the DRR Specialist where he gained information about Oxfam's rights-based approach, and whether there were formal or informal requirements placed on him in terms of implementing Oxfam's RBA he noted the importance of the Oxfam International *Humanitarian Dossier* (2004), which covers the organization's general principles regarding humanitarian intervention. Interestingly, in addition to the *Dossier*, he mentioned several formal standards and codes of conduct, each of which were generated by different consortia of organizations. These codes and standards are not explicitly linked to rights-based approaches, (nor to Oxfam's work in particular); they certainly are not intended to inform Oxfam employees on how to implement the rights-based approach. However these standards *do* provide formalized requirements regarding downward accountability to beneficiaries. This in and of itself further underscores the link between the two concepts, and may suggest, (contrasting somewhat with my original argument that the RBA may be a useful mechanism of downward accountability), that emphases on downward accountability may be viewed as a means of implementing the rights-based philosophy.

In particular, the DRR Specialist noted the importance of the *Code of Conduct for The International Red Cross and Red Crescent Movement and NGOs in Disaster Relief* (IFRC 1994), and the Sphere Project (1998) *Humanitarian Charter and Minimum Standards in Disaster Response*.⁴¹ Together the RCCC and the Sphere *Humanitarian Charter and Minimum Standards* documents have come to represent widely accepted standards in the field of emergency

⁴¹ Background information on these guidelines is provided in Section I, Chapter 2 of this thesis.

humanitarian relief. Notably, the DRR Specialist specifically pointed to the relevance of the *Humanitarian Charter* in terms of the rights-based approach and accountability to beneficiaries.

Also related to guiding standards and principles in the field, Oxfam America is currently seeking accreditation through the Humanitarian Accountability Partnership International (HAP-I). As discussed in Chapter 2, HAP-I functions as a regulatory body by providing accreditation for humanitarian NGOs that meet (or are in the process of striving to meet) its standards. HAP-I members commit to self-monitoring, monitoring by HAP-I, as well as peer monitoring. Members are required to draft an “Accountability Work Plan” which outlines specific targets for their compliance with HAP-I’s accountability principles (HAP 2007). HAP-I has fifteen full members including Oxfam Great Britain.

I asked the DRR Specialist about Oxfam’s involvement with HAP-I. He stated that,

In the late 1990s the humanitarian community noted a lack of downward accountability—in contrast to upward accountability. They wanted to balance accountability between donors and beneficiaries. However they identified a lack of tools, processes and mechanisms for beneficiary accountability. This led to development of the Red Cross Codes of Conduct and then to Sphere. (See IFRC 1994 and Sphere Project 1998).

However, he argued, after the development of these protocols there still remained a lack of complaint mechanisms and a lack of guidelines for participatory decision-making. HAP, he argued, initially focused primarily on complaint mechanisms. But, he noted, “*The humanitarian community responded with concern: complaint mechanisms do not necessarily lead to or constitute accountability mechanisms.*” In response to this concern, “*HAP has since shifted its focus to participation*” versus complaint mechanisms.

The DRR Specialist has expressed his support for Oxfam America’s involvement with HAP. He feels that working towards HAP certification will be a demanding process, and that it is a good way to “end up with years of discussion about accountability”(internal from DRR Specialist to other OA Staff). He has argued that HAP “approaches accountability to beneficiaries, quality standards, monitoring mechanisms and complaints-handling procedures in a combined and simple way”(internal from DRR Specialist to other OA Staff). In particular he has expressed support for HAP’s requirement that NGOs set benchmarks as a part of their work towards strengthening accountability. The DRR Specialist, along with other staff in the humanitarian department of Oxfam America’s Boston headquarters have described HAP as an important step in the “professionalization” of humanitarian relief work.

In communications with other OA staff, the DRR Specialist has argued that in order to strengthen accountability to beneficiaries Oxfam should focus first on improving participation mechanisms that involve beneficiaries of humanitarian aid. He has acknowledged that

participation alone does not constitute accountability. He argues that the establishment of a complaint mechanism should be considered “once good and reliable systems of participation are in place”(internal from DRR Specialist to other OA Staff).

This interview suggests that the DRR Specialist associates adherence to the RCCC and HAP-I regulation as linked to the OA RBA. He implied that he sees adherence to existing mechanisms of downward accountability, such as the RCCC, as part of his responsibilities within Oxfam’s rights-based approach.⁴² Interestingly, he points indirectly to the difficulty of establishing effective mechanisms for downward accountability in a relationship marked by vast power imbalances. He notes the dilemma of how to operationalize accountability; complaint mechanisms, as discussed in Chapter 2, can lead to perverse incentives, or can be constructed in such a way as to limit effective accountability (e.g. complaints may be ignored). Similarly, participation may serve to legitimize NGO’s power, rather than to lead to power sharing.

The interviewee points to several areas in need of further research, including the feasibility, efficacy, and enforceability of a variety of accountability mechanisms. However, the efficacy of HAP-I certification and the various tools and mechanisms that it employs is beyond the scope of this research. What is important to take away from this interview, with regard to the current research, is the link it reveals regarding the DRR Specialist’s interpretation of the RBA and concepts of accountability.

From this interview it is admittedly unclear specifically why or how, but it appears that this staff person *does* view downward accountability, and the need to strengthen it, as a part of Oxfam’s rights-based approach. What does this finding suggest? It suggests first, that my idea of linking the RBA explicitly to a duty to strengthen downward accountability may be tenable in the eyes of Oxfam staff. Secondly, because this link between accountability and the RBA did *not* emerge consistently across interviews or in the Oxfam publications reviewed, this suggests that the RBA, as a rhetorical framework, lacks clarity in this area and may benefit from a more explicit stance on downward accountability.

In suggesting the need to first build participatory methods and then work on grievance mechanisms, I agree with the DRR Specialist that Oxfam America needs to progressively build their own capacity regarding downward accountability. There will not be one magic bullet and through this thesis I do not mean to suggest that the articulation of a duty to downward accountability will provide a complete solution. Rather, I am simply suggesting that an explicit link between downward accountability and the RBA rights and duties framework could have a

⁴² It is possible, however, that the topic of my research—in which I expressed interest in both the RBA and downward accountability—may have had a leading effect on his responses.

mutually reinforcing effect on both of these dimensions. While not all aspects of Oxfam's work will fold neatly into the RBA (as revealed through the cases above), a commitment to downward accountability meshes remarkably well with the logic and rhetoric of the RBA.

CHAPTER 5: DISCUSSION

The previous chapter provided an in-depth look into the rights-based approach of Oxfam America. It aimed to address whether Oxfam America's rights-based approach meets criteria that I have outlined for use as a mechanism of downward accountability to beneficiaries. I assessed Oxfam's RBA not as a critique of Oxfam's work per se, but as a window into what is possible within the rights-based approach across the field of development and humanitarian relief. To this end, I explored the theoretical basis and rhetoric of Oxfam America's RBA through Oxfam's written publications and interviews with staff. In the present chapter I discuss the findings from this investigation. I begin with a brief overview, followed with a more in-depth discussion of the findings that emerged. I then present conclusions and suggestions to the field, and finally outline several areas in need of further research.

Overview of Findings

In short, this research revealed that Oxfam America's rights-based approach does not consistently meet the criteria that I have outlined for strengthening accountability to beneficiaries. However, alongside of the implementation of rights-based projects, Oxfam America is currently undertaking other efforts to strengthen its accountability. These efforts, including HAP-I certification, were implicitly linked to the RBA by one staff person, and some Oxfam literature did mention a responsibility to strengthen accountability to all stakeholders. While Oxfam America's RBA does not explicitly identify a duty to strengthen downward accountability, there does seem to be some implicit convergence of the two concepts in staff interpretation of the RBA philosophy. This finding was, however, subtle and inconsistent.

In light of the above findings I suggest four conclusions: (1) Application of the logic of downward accountability to the RBA framework, and in particular an explicit articulation of a duty to strengthen downward accountability, is feasible within the existing organizational culture of Oxfam America, and may also be feasible in other NGOs who share similar objectives. (2) A clear articulation of this duty to downward accountability as a part of the RBA would strengthen the legitimacy of the RBA and of rights-based policy and advocacy work in particular. (3) A clearer articulation of the RBA in general, with the utilization of guiding questions to frame project development and evaluation, would lead to more consistent interpretation and application of the RBA. (4) More research is needed regarding the operationalization of the RBA overall.

This is the case too for operationalization of a duty to downward accountability as part of the RBA.

In addition to the above, other unexpected findings emerged regarding the implementation of Oxfam America's RBA. In short, these unanticipated findings included that the RBA is noticeably vague in terms of how it is operationalized; not all criteria that staff consider "rights-based" are directly linked to the realization of rights; situational constraints play a large role in deciding the degree to which a project can adopt a rights-based approach; staff expressed confusion about how to implement the RBA and suggested the need to develop organizational capacity; and finally, staff seemed motivated to describe projects as being in line with the rights-based approach, even when their connection to the RBA was tenuous.

With this overview in place, I now discuss these findings in greater detail.

Criteria for a Rights-Based Approach to Downward Accountability

I identified several criteria that I felt could constitute a *rights-based approach to downward accountability*. As mentioned previously, these criteria are my own, and I evaluate Oxfam's RBA against these criteria in order to test the potential usefulness of the concept, rather than to critique Oxfam's work. The first criterion that I laid out in terms of downward accountability is that a RBA should identify beneficiaries as rights-holders within the NGO-beneficiary relationship. A review of Oxfam America's literature and several cases suggest that the Oxfam America RBA focuses more directly on beneficiaries' rights vis-à-vis the state. Occasional references were made regarding evaluating Oxfam's accountability roles, however these were overshadowed by a strong emphasis on Oxfam as a watchdog or advocate playing the role of holding *other* actors accountable to its beneficiaries.

The second criterion was that in order to be useful as a mechanism for downward accountability, a RBA should specify that beneficiaries have a right to a meaningful role in development processes that impact them. The rhetoric of Oxfam's RBA could tentatively be said to meet this criteria to a degree. The Oxfam International RBA specifies a "right to be heard." However, this "right" is quite vague. What does it mean to be heard? Who is doing the listening? What is the impact of being "heard?" In addition to being vague, the concept of being "heard" or having "voice" harkens back to criticisms of the participation movement that led to pushes for greater accountability. Voice alone does not constitute recourse. In fact, emphasizing that there should be a right to "be heard" seems to imply an acceptance of existing power

imbalances. It is quite different from a hypothetical right to have, say, autonomy, control, power, or choice, to name a few.⁴³

In terms of application, Oxfam's RBA as implemented through projects did show signs of meeting some aspects of my criterion of a "meaningful role." In the Zimbabwean Seeds project, Oxfam employed participatory methods and stressed capacity building as project goals, despite difficult situational constraints. In the Saving for Change program participants have the ability to alter, adapt, replicate, or reject the program as they see fit. And as the SfC Officer noted, "*A different power dynamic exists between beneficiaries and Oxfam America in this type of program than in more traditional development projects.*" Oxfam is also evaluating the SfC project and surveying participants regarding their likes and dislikes of the program, (although it is unclear if and how the project will respond to this participant input). Additionally, OA is currently seeking HAP-I certification, which requires participatory methods in humanitarian projects.

The third criterion that I have identified that could enable a RBA to function as a mechanism of downward accountability is that the NGO should identify itself as an actor with duties vis-à-vis its beneficiaries' rights within their relationship. Ideally, these obligations should include a duty to decrease power imbalances between the NGO and its beneficiaries, and a duty to strengthen its mechanisms of downward accountability.⁴⁴ The literature and cases reviewed in this thesis suggest that Oxfam America's RBA is not currently meeting this criterion in a consistent or clear manner. As mentioned above, the Oxfam America RBA (as expressed through Oxfam literature and staff interviews) emphasizes government accountability and only rarely makes mention of NGO downward accountability. It does seem, however, that OA implicitly recognizes that it has a duty to avoid known pitfalls, such as service-provision work that can foster and/or perpetuate dependency. A more explicit articulation framing these "duties" could create a more powerful push for downward accountability.

Oxfam and Accountability efforts

While the focus of this thesis is the rights-based approach, it is very important to point out that Oxfam America and Oxfam International *are* actively engaged in processes designed to improve downward accountability, although this is not incorporated explicitly into the rights and

⁴³ In specifying the right to a "meaningful role" I have also been admittedly vague. What is this meaningful role and who defines it? However, my hope is that the corresponding duty I have described—an NGO's duty to reduce power imbalances between itself and its beneficiaries and to strengthen its own downward accountability mechanisms—clarifies this "right to a meaningful role."

⁴⁴ See Chapter 2, Section III for a discussion of why I believe this not tautological.

duties rhetoric of their RBA. Although the scope of this thesis does not permit for a thorough discussion of these efforts, I address them briefly below.

Strategic Mechanisms: Standards, Peer Review, Auditing, and Specialized Departments

Oxfam America and Oxfam International recognize the Red Cross Code of Conduct and the Sphere Charter and Minimum Standards. These codes provide basic guidelines regarding responsibilities to beneficiaries. However, they focus primarily on avoiding egregious rights violations (such as sexual abuse of beneficiaries by NGO staff), rather than realizing positive rights. Like many “reflective” or “strategic” mechanisms (including the one I propose at the heart of this thesis) these codes lack “teeth;” they are purely voluntary. Furthermore, these codes of conduct do not analyze power dynamics or call on NGOs to alter them.

Oxfam America and Oxfam International have both engaged in a variety of strategic accountability processes including peer reviews, auditing, and even the creation of specialized accountability departments. Oxfam America has, for example, established a new department, the Learning Evaluation and Accountability Department (LEAD) that, as its name suggests, focuses on issues of accountability. The *RBA Learning Project*, a joint evaluation undertaken by CARE and Oxfam America (reviewed in Chapter 4 of this thesis), can be viewed as a peer review—and thus can be considered a strategic mechanism for improving accountability. In addition, Oxfam International recently underwent an independent review procedure that culminated in the (2006) “*Promises to Keep Report*” (Oxfam International 2006b). This audit, another strategic accountability mechanism, included several suggestions that apply directly to Oxfam international’s rights-based approach. Oxfam International also recently signed the *International NGO Accountability Charter* (2005). Unfortunately, this Charter was vague and accountability to beneficiaries was almost absent from its six pages of text. It does however state that,

We will listen to stakeholders’ suggestions on how we can improve our work and will encourage inputs by people whose interests may be directly affected. We will also make it easy for the public to comment on our programmes and policies”(p.4).

I would argue that this is a very soft notion of accountability to beneficiaries and does seem to reflect the Oxfam RBA “right to be heard,” rather than a right to have meaningful influence over projects that impact you.

Oxfam America also participated in the “Listening Project,” an evaluation undertaken by Collaborative Learning Projects & the Collaborative for Development Action (CDA Inc.) that

gathered input from beneficiaries of several aid organizations.⁴⁵ As their name suggests, they are intended purely for information gathering, or “listening.” These reviews don’t attempt to build accountability. They do not provide any method of recourse for beneficiaries, and do not tie beneficiary comments to any specific NGO; it would be nearly impossible for any party to hold a particular NGO accountable for any positive or negative feedback included in the reports.⁴⁶

In addition to these processes, as discussed in the previous chapter, Oxfam Great Britain has been certified by HAP International, and Oxfam America is currently in the process of seeking certification. In sum, Oxfam is currently engaged in a variety of progressive accountability processes. These processes, however, are imperfect; there is still a great deal of room for improvement in terms of NGO accountability to beneficiaries.

Overall, despite their weaknesses I applaud each of these efforts to strengthen downward accountability. I think, however, that *both* Oxfam’s RBA *and* its accountability efforts would be strengthened if Oxfam were to clearly articulate duties of downward accountability as an explicit part of their RBA. An explicit incorporation of duties to downward accountability could have a mutually reinforcing effect on the RBA, accountability, and also Oxfam’s legitimacy and moral authority. Oxfam America has set the stage for this convergence; a more explicit recognition within the RBA of the accountability efforts that are already in place and the ways in which they relate to the RBA, could be a strategic adaptation of the rights-based approach. In order for a rights-based approach to bolster—rather than undermine—an organization’s legitimacy, a RBA necessitates explicit duties regarding accountability to beneficiaries. Otherwise calls to hold other actors—such as the state—accountable, ring hollow and open the NGO to reflexive criticisms.

Furthermore, the RBA is manifest at the project level. Even though Oxfam America is engaged in other accountability efforts, if these do not translate to direct effects in project development, they cannot accurately be said to be a part of the rights-based approach as implemented. Plipat (2005) for example, notes of NGOs in general that, “the RBA is compromised in implementation at the country level. NGOs are found to have difficulty implementing strategies that change power relations [and] strengthen accountability” (Plipat 2005,

⁴⁵ These reports are available online at http://cdainc.com/publications/lp/field_report/ListeningVisit2Ethiopia.pdf but are specified as not for citation.

⁴⁶ Some might argue that this is a positive aspect of the reports, in that it avoids a punitive view of accountability and could therefore be seen as more “strategic.” I would argue that its function is to give NGOs better information that they can selectively respond to, which is a very soft form of accountability if it is one at all. It seems more geared towards improving efficacy than accountability.

p.v). A clearer articulation of the rights-based approach, in particular in terms of NGO duties to downward accountability, would be the first step towards clarifying and improving implementation.

I am proposing an articulation of rights and corresponding duties in relation to downward accountability *as a mechanism of downward accountability*. Like many of the “strategic” or “reflective” mechanisms discussed above, my proposed rights-based approach to accountability arguably lacks what Goetz and Jenkins (2002) refer to as “enforceability” and focuses, instead, on building “answerability.” This answerability may be both direct—with beneficiaries serving as agents holding NGOs accountable—as well as indirect—with other organizations, donors, the public, or states serving as agents holding NGOs accountable for their commitment to downward accountability.

Above I have discussed the key findings of this research that were most directly related to my original research questions. In the following section I briefly review unexpected findings that emerged from the three primary cases studies.

Additional Findings

Saving for Change—Cambodia

In an interview with a Program Officer from the Saving for Change program in Cambodia, this interviewee emphasized capacity-building, the demand-driven nature of the project, and the project’s self-replicating sustainability as aspects that linked it, albeit indirectly, to the rights-based approach. It seemed in this case that the project was recast in a RBA light after the fact, rather than having been originally designed from a rights-based approach. This case also highlighted challenges to implementation of the RBA including its vague nature in general, a lack of guidelines, lack of clarity regarding how to prioritize among rights, as well as challenges regarding participatory methods. Finally, this case indicated a tendency for development projects that focus on rights-holders, rather than duty-bearers, to emphasize the right to a sustainable livelihood and to suggest that the realization of this right will lead indirectly to the realization of other rights and to greater government accountability.

Agricultural Recovery—Zimbabwe

The interview with a Zimbabwe Seeds Project Program Officer highlighted the impact of social, economic, and particularly political contexts, on NGOs’ ability to implement rights-based programming. It emphasized the challenges to adopting a rights-based approach in situations where talk of rights is impermissible. This case (along with others in the *RBA Learning Project*

and the SfC case discussed above) suggested that projects that focus on rights-holders, rather than duty bearers, may have little that distinguishes them from traditional needs-based work, but that staff nevertheless appear motivated to describe such projects as rights-based.

Disaster Risk Reduction—Boston

The Disaster Risk Reduction case highlighted the RBA emphasis on identification of root causes of poverty. It introduced the concept that beneficiaries may have a right to be protected from the occurrence of disasters, rather than merely a right to receive assistance in the aftermath of disasters. As in the Cambodian Saving for Change case, this case highlighted the need to develop Oxfam’s organizational capacity, in particular regarding how to prioritize among rights when designing and implementing RBA projects. This case also pointed to the connection between the RBA and evolving standards that are aimed at improving organizational accountability, such as the Red Cross Code of Conduct, the Sphere Charter, and the Humanitarian Accountability Project International.

Challenges to Implementing a Rights-based Approach

Overall, across the literature and the case studies, several key findings emerged that were not directly related to my original hypotheses. First, it was notable how vague Oxfam’s rights-based approach is. It appears to be particularly vague regarding guidelines for operationalization. Cases revealed that field staff are struggling with what the RBA means and how it should be implemented. Some staff pointed to the need to develop organizational capacity regarding operationalizing the RBA. Second, it is interesting to note that not all of Oxfam’s RBA criteria (or “essential elements”) are related to rights. It seems that the RBA rhetoric tends to subsume ideas of best practices in general, adding to the indistinct definition of the approach. Confusion about implementation may stem in part from the vague nature of the RBA and its indistinct relation to best practices in general. Third, the collection of cases reviewed, including those of the *RBA Learning Project*, suggested that not only do political contexts have a great influence over the successful implementation of the RBA, but also that only very specific circumstances may lend themselves to the implementation of projects that may be considered highly in line with the RBA principles. Only projects that actively engage in policy analysis and advocacy are likely to be seen as “highly-RBA;” however most projects utilized more traditional means and focused primarily on rights-holders rather than duty-bearers. The focus on rights-holders in some projects, such as the Saving for Change case, did not directly address these rights-holders’ ability to hold the state accountable, (although this was expressed as an indirect link, theoretically

stemming from the development of social capital and civil society).⁴⁷

Organizational Capacity

If the crux of what makes the RBA new and distinct from traditional “needs-based” programming is a focus on policy and advocacy, it would certainly make sense that Oxfam would need to develop its capacity in this regard, particularly given that it has spent decades developing capacity in traditional aid delivery. The SfC Program Officer cited several items that he feels would strengthen implementation of the rights-based approach. He indicated the need for more staff who are trained specifically in capacity-building, the need to develop more and better tools for analyzing change in target populations, and the need to improve Oxfam’s ability to “*look more carefully at rights-related variables*” when evaluating projects. In addition, given the blurry boundaries of Oxfam’s current RBA, it might also be helpful to build capacity regarding how to incorporate policy analysis and advocacy work into overall programs that include development projects. While specific development projects may lack elements of the RBA, and may still be rooted in traditional needs-based work, they could be said to be a component of a larger rights-based strategy if advocacy is strategically incorporated into an overall regional program.

Recasting needs as rights

Another interesting element that emerged was staff persons’ seeming motivation to recast projects in RBA language. Leading questions by the investigator may have played a role in the emergence of this finding. However, it does appear as though there is pressure on staff to identify RBA aspects of *all* projects, to couch all projects in terms of the RBA, and/or to attempt to bring all projects in line with the RBA. This is interesting for two reasons. First, it does not seem necessary or appropriate that all projects be identified as rights-based. It seems reasonable that some projects might be traditional needs-based projects, particularly in situations that face the dual constraints of urgent, unmet needs, and hostile political contexts, such as the Zimbabwe case. It might make more sense to explicitly identify such projects as traditional, needs-based efforts.

The second interesting aspect is *why* staff might feel incentives to depict all projects as rights-based and to identify (tenuous) links between their work and the RBA. It seems logical that, given the amorphous definition of the RBA, and the way it seems to merge and overlap with

⁴⁷ See the *RBA Learning Project* (Rand & Watson 2007) “Overcoming Racism and Discrimination through Active participation by the Mayan People” case for an example of a project that does focus directly on building beneficiaries’ capacity to engage the state.

general concepts of best practices, that to identify a project as being out of line with the RBA could imply that it is in some way backwards. This tension could certainly place pressure on staff to characterize and interpret projects as being in line with the RBA, even under circumstances where application of the RBA through specific projects might not be possible.

Movement along a RBA continuum

Rand & Watson (2007) note the existence of ongoing changes in projects in order to attempt to bring them more in line with the RBA. This is an interesting aspect of RBA implementation because it may be quite natural for organizations that have developed skills in traditional aid to devise programs that tend to be closer to the traditional, rather than RBA, end of the spectrum. It may be a reasonable strategy to then evaluate these projects regarding what aspects could be considered links to the RBA. While on the one hand this may look like a “re-packaging” of traditional aid in the cloak of the RBA, if those organizations then go on to amplify the aspects of projects that are most in line with the RBA, and progressively move the projects, as implemented, along the “RBA continuum,” bringing them more in line with the ideals of the RBA, this may be a reasonable and respectable approach to gradual implementation of a broad organizational shift.

This suggests two possible interpretations of the findings: (1) The RBA is not applicable to all situations and there is unnecessary organizational pressure on staff to “dress up” traditional projects as being in line with the RBA. (2) This retroactive process of highlighting RBA aspects is useful and could be refined into a process where staff examine traditional needs-based projects, and attempt to amplify aspects that pertain to the RBA, thus moving the project from one end of the RBA spectrum towards the other.

This latter interpretation characterizes a process that could be meaningful even in contexts under which movement across the continuum will be most constrained. For example a project such as the Zimbabwe Seeds project might begin as a very traditional, needs-based relief, but then evolve by gradually shifting its focus to building local capacity for seed banks, thus bringing the project more in line with the aim of realizing the right to a sustainable livelihood. Given the constraints of the Zimbabwean context, this project may never be able to move far enough along the RBA spectrum to be considered “fully-RBA,” however envisioning the process in this way may clarify for staff how the RBA can be implemented under restrictive contexts.

Movement along an accountability continuum

This concept of progressive movement along a continuum could apply to the strengthening of downward accountability as well. Just as projects can be seen as evolving in

terms of how closely they align with the RBA principles, they could be pushed to evolve in terms of downward accountability as well. In other words if duties to, for example, decrease power imbalances between NGOs and beneficiaries were incorporated into the RBA, projects could strive to address this duty (along with others that make up the RBA) incrementally. This viewpoint assumes that strengthening downward accountability, like the RBA in general, will face situational constraints. Developing functioning systems of recourse may be particularly challenging when working with highly vulnerable communities. Therefore, if addressing these concerns were incorporated as a part of the RBA, the goal would be to progressively realize these duties as part of a larger approach to bringing all projects more in line with the RBA. This could potentially bring a new focus to development and relief projects, building in efforts towards downward accountability with other capacity-building strategies.

Conclusions

In this thesis I have argued that the rights-based approach necessitates a commitment to downward accountability and an explicit definition of NGOs' duties to the beneficiaries of its work. Other authors reiterate the conclusions drawn in this research regarding the need for the RBA to address power relations between NGOs and their beneficiaries, and to strengthen NGO downward accountability to beneficiaries. Nyamu-Musembi & Cornwall (2004), for example write that,

Ultimately, however it is operationalised, a rights-based approach would mean little if it has no potential to achieve a positive transformation of power relations among the various development actors. Thus, however any agency articulates its vision for a rights-based approach, it must be interrogated for the extent to which it enables those whose lives are affected the most to articulate their priorities and claim genuine accountability from development agencies, and also the extent to which the agencies become critically self-aware and address inherent power inequalities in their interaction with those people (Nyamu-Musembi & Cornwall 2004, p.iii).

The case of Oxfam America has highlighted ways in which the rights-based approach has been applied in order to increase some forms of accountability, for example state accountability to citizens. In addition the rights-based approach has arguably brought NGOs closer to addressing root causes of poverty and avoiding fostering dynamics of dependency. A closer alignment of objectives and actions is a step towards greater efficacy. However, in the Oxfam America cases reviewed in this study the RBA has not, as yet, been utilized to strengthen downward accountability to beneficiaries.

A clear articulation of NGO duties to beneficiaries, as a part of the RBA, could strengthen

both NGO accountability and the legitimacy of the RBA itself. This notion of duties need not be burdensome or punitive. Both rights and duties describe ideals to which duty-bearers of all kinds should actively strive. Where it is not yet possible to uphold all rights and duties, the point of an articulation of rights and duties is not to finger-point or place blame, but rather to articulate a clear account of highly-prized objectives—objectives that are crucial to realizing a just and equitable world.

NGO rights-based approaches that attempt to hold the state or multilateral institutions accountable to citizens rest their power and legitimacy on NGOs' moral authority and assumed capacity to speak in the best interest of the poor. Without a clear NGO commitment to downward accountability to beneficiaries, this moral authority is undermined, and with it the validity of the rights-based approach in its entirety.

Suggestions to the field

The rights-based approach appears to be in need of clearer guidelines in terms of project development and implementation. In order to address this need, I suggest that the RBA impacts identified by participants in the Rand & Watson (2007) *RBA Learning Project* be reframed as a series of guiding questions for use in project development, implementation, and evaluation. These questions could be used to develop programs that aim to meet each of the RBA "essential elements," to the degree possible within given situational constraints. This approach would, hopefully, reduce the tendency for traditional projects to be recast as rights-based because of one or two tenuous links to rights, and instead promote the development of highly strategic, rights-centered work. In addition, beyond the initial stages of project development, these guiding questions could be used during later evaluation in an attempt to move projects along the rights-based continuum in regards to each element of the RBA.

Participants in the Rand & Watson (2007) *RBA Learning Project* reported that RBA projects have the following impacts, they:

1. Effect changes in policy and practice
2. Have impact at multiple levels
3. Affirm the dignity of all human beings
4. Change power dynamics
5. Strengthen civil society to claim rights and to hold duty-bearers accountable
6. Strengthen peace and personal security
7. Open the political culture
8. Engender greater responsiveness, responsibility and accountability on the part of duty-bearers
9. Effect fundamental and sustainable change (Rand & Watson 2007; p.32).

Project planning and development (as well as later evaluation) could assess situational constraints, and then pose the following guiding questions—based on the above impacts—with the intent of shaping a project that is as far in line with the ideals of the RBA as possible:

1. **Policy:** How can this project effect changes in policy in order to improve the realization of rights?
2. **Levels of Impact:** How can this project strive to impact the realization of rights at multiple levels? How will working at multiple levels improve our ability to build capacity for the realization of rights?
3. **Affirming Dignity:** How can this project most powerfully affirm the dignity of all human beings?
4. **Power Dynamics:** What power dynamics are at play in this situation? How can this project alter existing power dynamics to create a more equitable and just distribution of power? This topic should explicitly address a variety of possible power dynamics, including those of state-citizen relations, gender, race, caste, ethnicity, and in particular, NGO-partner organization and NGO-beneficiary power dynamics. For example, a guiding question should ask, “How can this project create more equitable power dynamics between this NGO and our beneficiaries?”
5. **Agents of Accountability:** How can this project best strengthen civil society to claim rights and to hold duty-bearers accountable? This question should also be used to identify what rights in particular can be targeted within the given situational constraints and opportunities. It should also specify who the relevant duty-bearers are (for example local government, national government, multilateral institutions, etc.), and should recognize that the NGO itself will be a relevant duty-bearer in *all* of its projects. It may ask, “Who, in addition to ourselves, are relevant duty bearers in this context?” This topic should include as a guiding question, “How can this project best strengthen beneficiary capacity to hold this NGO accountable?”
6. **Security:** How can this project strengthen peace and personal security?
7. **Democratic ideals:** How can this project open the political culture? This topic should also ask how the structure of the project can best *reflect* the democratic ideals that it aims to instill.
8. **Objects of Accountability:** This topic can ask, “How can this project engender greater responsiveness, responsibility and accountability on the part of duty-bearers?” And should, as above, explicitly recognize the NGO itself as one of the relevant duty-bearers. In terms of the NGOs’ own accountability, guiding questions could ask how the project

can, for example, create incentives towards accountable and responsive programmatic work, foster strong NGO internal accountability to beneficiary rights, build transparent policies and procedures, etc.

9. **Change:** How can this project best effect fundamental and sustainable change? In relation to accountability, this topic also has the potential to be applied to the NGO itself. For example it could include guiding questions such as, “How can this project effect fundamental and sustainable change regarding how we, as an organization, address issues of poverty and inequity in this region?” How can this project create lasting, positive change in terms of how we work with local partner organizations and relate to our beneficiaries?

This adaptation of Rand & Watson’s (2007) identified RBA impacts into guiding questions, paired with a strong and explicit NGO commitment to downward accountability, has the potential to strengthen both the content of the RBA (in terms of its accountability and hence legitimacy) as well as its clarity of interpretation and successful implementation. Because difficulty in knowing how to prioritize amongst rights was identified as a challenge in implementing the RBA, this list of guiding questions may be able to help practitioners identify which rights are most pertinent in a given context, how different issues (enumerated through the guiding questions) are interconnected, which RBA strategies are most likely to succeed within the given constraints, and how projects can address a variety of rights within a coherent, consistent framework.

These guiding questions could be employed in the initial program and project planning stages, as well as throughout repeated evaluation processes in order to attempt to push the project—in terms of each of the nine aspects—further along the RBA continuum towards being “highly-rights-based.”⁴⁸

Further research

The current research suggests a number of additional directions for inquiry. First and foremost, further research is needed regarding beneficiaries’ own perceptions of the rights-based approach, currently utilized accountability mechanisms, as well as potentially new frameworks and mechanisms of downward accountability such as those presented here.

⁴⁸ Of course, these particular nine aspects may not hold up as definitive of the rights-based approach across organizations, or even within Oxfam America. However I think that they constitute an excellent starting point for thinking about how the rhetoric of the RBA can be shaped into more direct programmatic objectives, and also provide an excellent illustrative example of how the RBA can be effectively paired with an active commitment to strengthening downward accountability.

This research has built on Rand & Watson's (2007) depiction of a rights-based continuum of projects. I have suggested that one method of implementing the RBA would be to attempt to gradually move projects along this continuum, progressing from traditional to more rights-based. A longitudinal study examining whether projects do tend to become more rights-based over time, and if so what are the factors that enable this progression, would make an invaluable contribution to the field. Similarly, it would be quite interesting to see whether, with the adoption of a rights-based approach to downward accountability, if traditional projects would become more accountable to beneficiaries through progressive stages of evaluation and implementation over time.

In addition, more research is needed regarding downward accountability mechanisms in general. What kinds of processes are effective, for what kinds of organizations, and under what kinds of circumstances? Of particular relevance to this thesis, it would be interesting to see research into whether the mere proclamation of specific duties leads to improved performance regarding those duties, and if so, why. I have hypothesized that an articulated duty would create incentives and pressure to adhere to this duty, however this has yet to be tested.

Finally, the field would benefit from research regarding what types of rights-based work is effective under what kinds of circumstances. For example, what situational factors allow for a more directed advocacy approach? Are there ways that NGOs can promote such factors and/or foster contexts that are amenable to advocacy work?

Targeted research into these questions, as well as clear programmatic responses by nongovernmental organizations, have the potential to strengthen the rights-based approach, NGO downward accountability, NGO legitimacy, as well as NGO efficacy in realizing the ideals that form the basis of the rights-based approach.

Biographical Note

Amber Bradley received a B.A. in Psychology from Reed College in 2002. She was a 2002-2003 Thomas J. Watson Fellowship recipient. Her project, *Escape and Survival: Women's Responses to Domestic Violence- Argentina, Kenya, Hungary, and Ireland*, inspired her interest in international development as a means to address human rights issues. Ms. Bradley has several years of experience working in domestic violence-related nonprofit organizations in the US. These experiences fostered her interest in power dynamics, both in terms of the stark examples evident in abusive relationships, as well as the dynamics between service-provider and client. Ms. Bradley's interest in power dynamics, human rights, and development have led her to pursue this thesis in partial fulfillment of her graduate requirements at MIT.

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Appendices

Appendix A: Interview Template 1

Interview Questions Template
Program Officer
East Asia Regional Office

1. Explanation of my thesis:

I am researching how different development NGOs conceptualize their rights-based approaches and how they are implementing these concepts in the field. I'm also interested in how a rights-based approach might be able to strengthen development NGO efficacy and accountability. I would like to talk to you to learn how I might be able to flesh out some of the theory with some case-based information.

2. Before we get in to the more abstract questions, yesterday [during a presentation given by this Officer] I got a sense of how you have been evaluating the efficacy of the Saving for Change program. What I'm less clear about is how it is implemented. Could you begin by telling me a bit about Oxfam's role, your relationship with CEDAC, how the program is put in to motion, etc.?
3. I am interested in learning how you see the *Saving for Change* program in Cambodia in relation to Oxfam's rights-based approach. In what way would you say that this program embodies a RBA?
 - a. What kinds of rights?
 - b. Who's rights?
 - c. Who are the duty holders?
4. What would you say is required of you (either formally or informally) as a Program Officer, in relation to conceptualizing, implementing, and/or evaluating this program in line with a rights-based approach?
5. Are there ways in which you feel that this program could be improved in terms of implementing Oxfam's RBA? And if so, what are the barriers to making these improvements?
6. I'm not sure how long you've been with Oxfam, but I presume that you have witnessed or heard of changes in the field regarding how development work is conceptualized in relation to the RBAs. Could you describe any changes in *practice* that you believe have come with this changed view of development?
7. Yesterday you articulated a shift away from old-fashioned material donations as a form of development aid, to an emphasis on capacity-building. Do you see this concept as being at all related to the RBA? If so how?

8. What about participatory methods? Does Oxfam specify overall guidelines regarding participation? If so, how do you adapt such guidelines to such a broad variety of programs – for example to a microfinance program?
 - a. Have participatory methods been successful?
 - b. What ways might they be improved? What are barriers to these changes?
9. For my thesis I'm interested in how different aid organizations implement their version of a RBA. I'm also interested in how rights-based approaches are connected to theories of accountability. In general the discourse on NGO accountability suggests that (because of the complex relationships with stakeholders) NGOs tend to overemphasize accountability to their board and to donors in particular, whereas accountability to beneficiaries is underemphasized.
 - Have you found this to be the case in your work?
 - Do you see any way that this dynamic could be changed?
10. Other things you would like to add or comments you would like to make regarding this interview?
11. Documents (from the Saving for Change program) that I could have access to that might help me utilize this program as a case study for my project?

Appendix B: Interview Template 2

Interview Questions Template
Disaster Risk Reduction Specialist
Boston Headquarters

1. Explanation of my thesis:
I am researching how different humanitarian and development NGOs conceptualize their rights-based approaches and how they are implementing these concepts in the field. I'm also interested in how a rights-based approach might be able to strengthen development NGO efficacy and accountability. I'd like to talk to you to learn about how the RBA is linked to disaster risk reduction. I'm also interested in questions of how development and humanitarian orgs think about their relationships of accountability to the communities they aim to impact.
2. Do you have any questions before we begin?
3. First, I know that you just joined OA this fall. How long were you with [previous employer]? How long have you been in this field overall?
4. Many organizations have adopted RBAs. In your experience what has this meant both in theory and in practice? Have you seen tangible changes in practice in relation to the adoption of a RBA?
5. Is there anything that is required of you, either formally or informally regarding the RBA? Where do you tend to get information about how Oxfam conceptualizes its RBA?
6. I read online a recent quote from you where you stress rights as highly relevant to disaster risk reduction. Could you say a bit about the link between the two? How is a RBA relevant to Oxfam's disaster work?
7. Are there ways that you feel that the disaster risk reduction program could be improved in terms of implementing Oxfam's RBA? If so, what are the barriers to making these improvements?
8. Similarly, are there ways that you feel that the disaster risk reduction program could be improved in terms of accountability to beneficiaries? If so, what are the barriers to making these improvements?
9. I'm aware that OA is currently working with HAP. Are you involved in that project at all? If so, could you tell me a bit about it?
 - a. What is the motivation for certification via HAP? What does OA gain?
 - b. Why now? Was there any specific catalyst that you are aware of?
 - c. Will OA have to make any policy or program changes in order to be in compliance with HAP standards?
 - d. Are there any drawbacks to joining HAP?
10. Rights-based approaches and accountability practices are often linked to participatory methods. I know that you currently specialize in risk reduction, but it sounds like you have experience in relief efforts as well. Disaster relief seems like an arena in which participation

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would be difficult to incorporate because of time constraints. Yet many of the HAP standards emphasize participation and consultation with beneficiaries. What strategy does OA (or other Oxfam affiliates) employ in terms of participatory involvement of beneficiaries? Are there specific examples you could refer to?

11. Disaster risk reduction seems like it would offer more opportunities in terms of beneficiary participation. Does Oxfam have risk reduction programs that incorporate participatory methods? If so, what do these projects look like? (If not, why not?)
12. It seems as though an emphasis on risk reduction (rather than simply on relief) is relevant to a shift to RBA and to greater accountability to beneficiaries. Could you speak to that?
13. Anything else you would like to add or questions for me before we finish?
14. Do you have any suggestions of documents I should read, people I should contact, etc?

Appendix C: Interview Template 3

Interview Questions Template
Humanitarian Program Officer, Zimbabwe

1. Explanation of my work:

I am researching how different humanitarian and development NGOs conceptualize their rights-based approaches and how they are implementing these concepts in the field. I'm also interested in how a rights-based approach might be able to strengthen development NGO efficacy and accountability. I'd like to talk to you about your experiences in the field in terms of the RBA. I'm also interested in questions of how development and humanitarian organizations think about their relationships of accountability to the communities they aim to impact.

2. Any questions before we begin?

3. I see that in Zimbabwe Oxfam works on
- emergency food and flood relief efforts,
 - rural agricultural support and credit programs,
 - women's rights reforms, and
 - a peace-building initiative.

What kinds of programs do you work on?

4. Many organizations have adopted RBAs. In your experience what has this meant both in theory and in practice? Have you seen tangible changes in practice in relation to the adoption of a RBA?
5. Is there anything that is required of you, either formally or informally regarding the RBA? Where do you tend to get information about how Oxfam conceptualizes its RBA?
6. Are there ways that you feel that your program could be improved in terms of implementing Oxfam's RBA? If so, what are the barriers to making these improvements?
7. Similarly, are there ways that you feel that your program could be improved in terms of accountability to beneficiaries? If so, what are the barriers to making these improvements?
8. Rights-based approaches and accountability practices are often linked to participatory methods. What strategy does OA employ in terms of participatory involvement of beneficiaries? Are there specific examples you could refer to?
9. Anything else you would like to add or questions for me before we finish?
10. Do you have any suggestions of documents I should read, people I should contact, etc?

Appendix D: Elements of RBA and Traditional Projects as identified in CARE/Oxfam America *RBA Learning Project*

Project Element	RBA projects	Traditional projects
Community-centered development	Build capacity in terms of policy analysis, media relations, alliance building and advocacy	Build technical capacity, e.g., irrigation or organizational capacity to write proposals or to account for donor funds; emphasize technology, inputs
Role of duty-bearers	Include local governance elements in civil society strengthening projects; emphasize representation, accountability, democratic practice	
Advocacy	Support communities and organizations in their efforts to advocate for changes in policies and practices, structures and systems	Advocate for community-driven development, and for bi- and multi-lateral aid donations
Alliances	Strengthen civil society linkages such as unions, collectives, lobbies and watchdog groups to work together to solve issues	
Level of intervention (e.g., local, national, international)	Seek linkages between community groups and national and international entities with capacity to influence national and international policies, programs and practices	Work primarily or exclusively at the household and community levels
Target of focus of intervention	Focus on the interests of a “class” of vulnerable people, such as ethnic minorities or poor coffee growers	Address the needs of a select target group, such as one specific group of people in a given district or slum
Problem framing	Frame problems in terms of rights, such as lack of access to information or legal representation, lack of participation in governance, discrimination, or protection issues	Frame problems in terms of “needs” such as credit, employment, sanitation, food, water, services

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