

Position Paper: IBIS and Rights Based Approaches

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1. Introduction

Through Vision 2012, IBIS works to promote human rights and a Rights Based Approach to development. Vision 2012 states that:

*“It is a crucial principle that basic rights are a tool to improve the political and economic situation of the underprivileged. Our work is informed by the concept of **fundamental human rights**, both **social rights**, such as the right to education, housing and food, and **civil rights**, such as the right to free organization and expression, as well as the **right to the rule of law**. These ideas also underpin IBIS’ efforts to draw on **collective rights**, such as the right to territory, mother tongue education and non-discrimination”*

As the above shows, a Rights Based Approach is inherent to IBIS’ overall vision, strategy and work. Applying a Rights Based Approach to IBIS’ work offer an opportunity to frame poverty as a symptom of injustice and the approach emphasizes that marginalization; discrimination and exploitation are structural causes to poverty. It allows IBIS and its partners to address the power-relations which serve to uphold poverty and inequality. In short, a Rights Based Approach sees poverty as a human rights violation and establishes a relationship of rights and obligations between the individual and the state, between those in power and marginalized men and women.

However, although a Rights Based Approach forms the foundation for IBIS’ work, uncertainty exists on what a Rights Based Approach implies for IBIS, in terms of programming, in terms of advocacy and in terms of policy. Subsequently, there is a need for a ‘demystification’ of the concept of RBA and its implications for IBIS – in short; to reach a common language of Rights Based Approach within IBIS. This common language will improve and sharpen programming as well as be a strong advocacy and fundraising tool. As a consequence, the aim of this paper is to clarify the concept of RBA and its implications for IBIS.

Overall, it can be said that a Rights Based Approach means that IBIS’ principles, goals, strategies, action plans, programs and procedures are based on the notion of rights.

2. The concept of RBA and the added value for IBIS

“A rights-based approach to development describes situations not simply in terms of human needs, or developmental requirements, but in terms of society’s obligations to respond to the inalienable rights of individuals,

empowers people to demand justice as a right, not as a charity, and gives communities a moral basis from which to claim international assistance when needed”
(UN Secretary-General 1989)

Rights Based Approaches are founded in a conceptual framework for development based on international human rights standards. In a Rights Based Approach, processes of development are framed within a system of rights and corresponding obligations established by international law. RBA identifies rights holders and duty bearers connected to a given situation and works towards strengthening the capacities of rights holders to make their claims and of duty bearers to meet their obligations.

Rights Based Approaches are founded in the belief that every human being has rights. This is consistent with the conception of democracy, ‘people’s rule’, where each individual has a voice and delegates his or her absolute power to a central authority (the nation state). In the imaginary ‘social contract’ between the individual and the state, individual freedom is granted and the individual has status as a citizen with rights vis-à-vis other citizens. In a democratic state, the citizens have given the state the mandate to secure these rights, and the concepts of citizenship, democracy and RBA are therefore interlinked.

In a democratic state, civil society assumes the role of watchdog, keeping the state accountable and checks power balances through political, social and economic struggle and dialogue.

RBA is central to IBIS’ work in that it establishes a relationship between rights holders and duty bearers. It gives the poor and marginalized, IBIS’ primary target group, rights and opens the political space for demanding these rights vis-à-vis duty bearers. In this sense, RBA builds upon the empowerment approach, but its advantages are that it establishes a relationship bound to obligations, founded in an internationally agreed framework of Human Rights adopted by the UN.

The added value of working rights based for IBIS is that RBA uses human rights standards and principles to place seemingly local problems of poverty in a national, regional and global context. This means that RBA establishes duty bearers in relation to rights holders and places moral duties, obligations and accountability at the center stage of any development process. Furthermore, RBA acknowledges that poverty and marginalization is not an individual problem, but rather upheld by a system of power-imbalances and injustice. In this sense, poverty and inequality is the result of economic, political and cultural exclusion of marginalized people by power-holders. Therefore, addressing the structural causes of rights-deprivation is key to a successful intervention within a RBA. In other words, people are not poor because they don’t have access to basic services, they are poor because they lack power and are denied of their rights

Rights Based Approaches differ from earlier times' needs based approach to development, as rights trigger obligations and responsibilities, in comparison to needs, which rest on an implicit assumption of charity.

Two strands of thinking dominate current thinking on RBA; a more legalistic approach strictly tied to international human rights standards and a more process-oriented RBA, focusing on rights and duties as part of processes of empowerment. In line with IBIS' Vision 2012, the latter is adopted by IBIS. Understanding development as a process of realizing rights, the RBA is in line with earlier times' focus on empowerment, and should be seen as the extension of the empowerment approach to include relations of rights-holders and duty bearers. In other words, empowerment of citizens is an important prerequisite for realizing rights.

Within the language of rights holders and duty bearers, a distinction is made between legal and moral duty bearers. Whereas legal duty bearers primarily count the state, moral duty bearers encompass all individuals (although children are often excluded as duty bearers due to their special state). Other duty bearers are private enterprises such as for example multi-national companies, and moral duty bearers count for example donor countries, thereby establishing a relation of obligations between rich and poor countries. The private sector is at times a significant actor for IBIS' target group and partners to relate to, for example by engaging in the issue of land rights. Therefore, although the state is a significant actor in a development process, the duties of the private sector should not be forgotten in the struggle for a more just society.

Through a RBA, the root causes of poverty founded in injustice, marginalization, exclusion and exploitation are emphasized. In this sense, RBA is about identifying root causes and empowering rights holders to claim their rights and enabling duty bearers to meet their obligations. Consequently, poverty becomes a human rights violation. RBA enables us to look at poverty through a lens of justice and to address the power-relations that are contributing to the lack of fulfillment of people's rights and subsequent, development.

3. Support to civil society in a rights based perspective

IBIS supports civil society working to keep the state accountable to its citizens and realizing the rights of marginalized men and women. In this perspective, rights are central to IBIS' work and become the main tool for civil society actors in advocating vis-à-vis the state. The processes of rights-claiming in relation to the state and keeping the state accountable to its citizens constitute the core mandate for civil society and give civil society actors legitimacy, as knowing your rights and acting on them is the foundation for civil society fulfilling its role as watchdog towards the state in a democracy. Although democracy is a contested concept, all countries where IBIS is working are constitutional democracies, and can be expected to adhere to normal democratic practices. Some countries however can be labeled "weak states" in which RBA can be a risky issue to

engage in for partners. In these settings, the RBA adopted must be low profile and sensitive to the political space available in the context.

Similar to other development approaches, RBA implies an effort to improve people's living conditions, and in this sense RBA relates to the same issues as for example a Needs Based Approach. However, within a Rights Based Approach, a deprivation of needs are addressed as a denial of rights, as poor and marginalized peoples' felt needs are the result of rights being deprived. For example, providing basic health care responds to the need of the patient, however, the right to basic health care is stipulated in Human Rights Conventions as a human right. In this sense, needs and rights are interlinked, although rights go beyond satisfying needs, by aiming to address the causes of these needs through an analysis of the rights being deprived.

A RBA thus does not rest on a principle of charity, but of rights and duties.

Recognizing that IBIS' target groups often live in desperate situations of deep poverty, some elements of service delivery can be included in IBIS' interventions, in order to accommodate for people's needs. However, services must always be delivered within the framework of supporting people's struggle for the realization of basic rights towards the primary duty bearer, the state and the international system of states. In this sense, service delivery can be seen as the practical side to civil society advocacy. IBIS supports interventions that can serve as experiments or examples of good service delivery, demonstrating methods and approaches to be used by states in their future service delivery. In this sense, the activities of IBIS and partners function as "laboratories" where new methods and approaches are tested, to be used in advocating for governments to use these approaches in service delivery.

Support to civil society in uncovering the obstacles that people face in realizing their rights, not only within the framework of a nation state, but also within an international system of states is important. This includes support to civil society organizations that aim to unfold the limiting factors of international institutions in realizing citizens' rights, such as unfair trade agreements and aid modalities.

For IBIS, a RBA to civil society implies supporting civil society groupings and organizations aiming to invoke rights vis-à-vis the duty bearers and it involves selecting partners who adhere to human rights principles. This means that adherence to a RBA involves participation and empowerment, equality and non-discrimination and accountability.

IBIS' support to indigenous people's movements primarily in Latin America implies respecting indigenous people's collective rights. IBIS' Rights Based Approach therefore includes an explicit focus on indigenous people's collective rights to conserve and strengthen their own political, legal, economic, social and cultural institutions, while at the same time maintaining their rights to fully participate in the political, economic, social and cultural life of nation-states. Indigenous people's collective rights are secured

both by the ILO Convention 169 on Indigenous people's rights and in the UN Declaration on Indigenous Peoples' Rights, adopted in September 2007.

The basic approach to IBIS' work in emergencies is framed within rights. Although contexts of emergency and crisis challenges the normal advocacy work conducted by IBIS, emergencies and crisis situations represent a situation where people's rights are routinely denied, and the systematic denial of rights are usually a key factor in the emergence of conflict.

RBA provides a legal and moral basis for addressing the complex issue faced in an emergency situation, and by focusing on the systematic denial of rights underlying the crises, RBA encourages the development of long-term and sustainable solutions and it promotes self-reliance and dignity in stead of reducing people to passive recipients of humanitarian assistance.

4. Guiding principles for the operationalization of RBA in IBIS

Common for the operationalization of IBIS' RBA is the following principles:

- Universality
- Indivisibility
- Interdependence of human rights
- Accountability
- Participation
- Non-discrimination
- Empowerment

These are overall guiding principles, guiding all IBIS' work, in south and north.

At the institutional level

- A Rights Based Approach is the foundation for IBIS' work. This means that human rights must be the overall framework for IBIS' interventions, as well as interpersonal relations and personnel policies
- IBIS must ensure that all IBIS staff are aware of what a Rights Based Approach implies and have the competencies to take this into practice. This involves staff training on human rights and Rights Based Approach
- As an international solidarity organization, IBIS must not only work in solidarity with poor and marginalized people, IBIS must also recognize its moral obligations towards these target groups

Programme development in the South

- IBIS must be accountable to partners and stakeholders, and IBIS must recognize its obligations towards rights-holders at all levels.

- Strengthening duty-bearers to fulfill their obligations; empowering rights-holders to invoke their rights should be the basis of all IBIS' interventions. This will imply putting an explicit rights-focus in programmes
- Context analyses and base-line studies before engaging in partnerships and interventions should define stakeholders in a rights-based perspective by identifying rights-holders and duty bearers and uncovering structural barriers for poor and marginalized to realize their rights
- Focusing on empowerment implies that stakeholders, partners and target groups should participate in design and monitoring and evaluation to the extent possible in the context
- Target groups are rights-holders and programmes must address these rights holders' ability to claim their rights
- Duty bearers with relevance to the programme should be identified and their ability to fulfill obligations towards rights holders should be addressed.

Public image, information and advocacy

- The RBA must be clearly reflected in IBIS' information work, in the campaigns and in the fundraising work. Poor people are seen as rights holders rather than victims, and IBIS' work is about empowerment and not about charity.
- At the overall level the RBA entails that IBIS will advocate that the rich countries / Denmark are moral duty bearers towards ending poverty, which entails fair trade conditions, cancelling of debt and international aid at higher levels and of a sound quality.