Human Rights and Poverty Reduction

The role of human rights in promoting donor accountability

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1. Introduction

The aid industry is characterised by a serious deficit of effective accountability mechanisms, in particular to individuals and communities in countries that receive assistance. Power relations between recipient governments and donor agencies are highly unequal. There is often a lack of transparency with regards to how aid agencies allocate financial resources, set priorities, and assess performance, and little information about the kinds of actions they take to hold individual agency staff to account and provide redress for failed projects or wider negative impacts.

This background paper examines the extent to which human rights can be used to hold aid agencies to account in a meaningful way. The focus is on bilateral and multilateral organisations providing development aid.[1] Human rights accountability can be understood in a narrow or broader sense. It can be taken to mean accountability through the use of established human rights mechanisms, at the international, regional or domestic level, focusing on agreed human rights standards. However, given the ongoing legal debates as to the extent to which aid agencies can be said to be legally obligated under the human rights framework (e.g. issues of extra-territoriality or restrictions on the mandate of the international financial institutions), this paper principally examines non-legal channels of accountability. Human rights-based approaches can make a contribution to mainstream accountability frameworks, for example by complementing financial or macro-level results-based orientations with a concern for impacts on individuals, or by the effectiveness of redress mechanisms.

Aid agencies can be held to account for the **processes** they follow and the **outcomes** to which they contribute. For example, it is now widely accepted that they need to adopt participatory processes and minimise the negative impacts that the interventions they fund might cause. Human rights can add another dimension to internal guidelines or policy frameworks, for example by making it clear that non-discrimination is not only instrumentally valuable, as it can help contribute to poverty reduction, but also of value in itself and that aid agencies can be held accountable on this basis.

Aid agencies accountability frameworks operate at several levels. First, there is **domestic accountability to taxpayers** (for bilateral aid agencies – and indirectly for multilateral agencies through funding received from bilateral agencies) or to shareholders (for international development banks). For example, the UK Secretary of State for International Development is accountable to Parliament, and thus the electorate, for the use of public monies. Although this dimension of accountability is not the main focus of this paper, it is by

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[1] Not covered in this paper are important issues concerning assistance provided by international non-governmental organisations (see ICHRP, 2003). In this ODI series of background papers, Lockhart (2005) covers conflict and fragile states and Cotterrell (2005) humanitarian aid.

far the most powerful and can be used to strengthen the other dimensions discussed later. Secondly, accountability can be towards the **recipients and beneficiaries of aid**, such as governments that receive loans or grants and individuals or communities that benefit from projects or policy reforms. This channel of accountability tends to be underdeveloped, and human rights can play an important role here. This is the main focus of the paper. Thirdly, agencies can be held to account by **their peers and the international community** more generally, such as through peer reviews of the Development Assistance Committee (DAC) of the Organisation for Economic Cooperation and Development (OECD) or pressure to achieve the Millennium Development Goals (MDGs), as in the current MDG review process.

2. Domestic donor accountability

The **formal accountability** of governmental agencies can operate at several levels (Macrae et al, 2002: 48):
- *Political/strategic*: executive to electorate, for macro policy objectives and overall allocation of aid resources.
- *Legal*: under domestic or international law, but this depends on the law being clear and setting obligations that can be acted upon.
- *Managerial*: civil servants to ministers for delivering on macro-level objectives.
- *Financial*: civil servants to ministers for the use of public resources in policy implementation.
- *Contractual*: contractors/implementers to aid agencies for delivering a programme under the terms of the contract.

Informal accountability channels (through the media, NGOs, academics, public opinion) can also play a role, but mostly as correctives to the other dimensions. Whether or not agencies have adopted human rights policies (and are serious about implementing them), and whether or not human rights and other international mechanisms have rendered judgements on particular situations, these public accountability mechanisms can use human rights norms to assess the performance of donor agencies. For example, there can be public outcries at the lack of action to prevent or stop genocide or deaths on a massive scale, as in Rwanda in 1994 or in Darfur currently. Action could be required by UN Security Council resolutions and entail responses beyond the responsibility of aid agencies. However, the lack of appropriate or effective steps taken by aid agencies in these situations is still morally unacceptable. This accountability will, however, mostly be to the public of developed countries. As raised in another background paper for this series, the incentives of Western NGOs, for example, may not always coincide with the interests of the poor in developing countries, as with environmental lobbies (Brown et al, 2005).

Political accountability depends on the nature of the political system within donor countries. Parliamentary accountability is, for example, possibly more powerful in the Netherlands than in the UK. This is illustrated by the case of Rwanda, where the Dutch Parliament plays a greater role in monitoring aid allocation and political developments. Parliamentary accountability can be responsive to informal accountability channels, for example, the role played by NGOs in the Netherlands to encourage debate on Rwanda.

Legal accountability depends on the strength and clarity of the legal framework governing aid agencies. Agencies can be held accountable under such frameworks, though these may not always include explicit reference to human rights as a statutory objective of development aid. However, legal strategies have been used on occasion to hold donor governments to account, as in the UK Pergau Dam scandal. Even if they do not explicitly use human rights legislation, such strategies can provide responses to human rights concerns (Davies, 2005). The situation is more complex regarding legal accountability under international/regional law or legal frameworks in recipient countries. It is clear that donor agencies should, at a minimum, respect constitutional, statutory or regulatory standards in the countries where they operate, and that these can include minimum human rights standards. Whether this obligation to respect recipients' frameworks is legal, rather than moral or good practice,

depends on rules governing the operations of aid agencies overseas, including the application of diplomatic status. In some cases, standards imposed as a result of the donor country's own legal framework could be higher than those in the recipient country (e.g. possibly labour standards). A final challenge is the distinction between holding legally to account overseas (i) an agency in general (e.g. the negative impact of an aid intervention) or (ii) individual staff – for criminal and other acts both during and outside the course of their duties.

Within aid agencies, **managerial and financial accountability** are amongst the most powerful in terms of governing day-to-day decisions. Introducing human rights within policy frameworks, resource allocation criteria, guidelines, procedures and monitoring and evaluation systems is thus key in serving as an entry point for human rights accountability. High-level ministerial commitments to human rights, or external NGO pressure, may have relatively limited impact unless officials within aid agencies know how, and are incentivised, to respect and promote human rights. For example, in 1998, the Swiss Agency for Development and Cooperation (SDC) adopted 'binding' human rights guidelines. The practical meaning of the binding nature of the policy was neither clarified nor translated into new procedures. The guidelines were also not disseminated in a way that facilitated operationalisation. As a result, they provided a rather weak accountability mechanism (Piron and Court, 2003).

The main challenge is that other policy frameworks often dominate internal incentive structures. For example, the achievement of the MDGs and the disbursement of increasing level of aid drive the internal incentives within the UK Department for International Development (DFID). Whereas a concern for monitoring impacts on the MDGs can be found through the 'cascading' results-based management system (Public Service Agreement, Service Delivery Agreement, Directors Delivery Plans, Regional/Country Assistance Plans), human rights commitments are rarely explicit and may often depend on staff capacity and interest at the country level, for example to tackle social exclusion in Latin America or Asia programmes (Piron and Watkins, 2004).

At the strategic/political level too, human rights constitute only one aspect of the domestic accountability framework guiding aid policies and implementation. Since the adoption of the 'war on terror' in particular, security and anti-terrorism concerns have influenced aid policies more explicitly. In countries such as Nepal or Uganda, donors have been involved in providing military assistance, theoretically to assist in resolving internal conflicts, sometimes through their aid programmes when legal and policy frameworks permit it. This is now associated with countries adopting restrictive legislation and policies limiting civil liberties in the name of fighting terrorism – on the part of both donors (such as the United Kingdom or the United States) and recipients (in this example, both Nepal and Uganda).

However, whether or not agencies have adopted explicit 'human rights-based approaches', the governments to which they provide assistance are themselves bound by their own human rights obligations. The current shift in the aid discourse, towards partnerships and national ownership, thus potentially provides the strongest entry point for human rights accountability: assisting partner governments in meeting their own human rights commitments rather than presenting it as an external requirement of aid agencies or the Western public.

3. Government-to-government accountability

Putting partner governments in the driving seat

Traditional approaches to aid management have prioritised accountability to donor agencies on the part of the recipient governments, or the contractors that deliver an aid intervention (e.g. technical cooperation officer, NGO or private sector company implementing a donor-funded project). Accountability of the contractors and aid agencies to recipient governments

has tended to be weaker. Recipient government accountability for the use of donor resources to their own populations as the ultimate beneficiaries of aid can also be weak.

New approaches to aid are aiming to put developing country governments at the centre of the accountability frameworks so that they effectively become in charge of the use of aid resources. This has inspired the shift to aid modalities, such as general budget support or poverty reduction strategies, meant to enhance recipient country ownership. De-emphasising accountability to donors so as to reduce their influence has become an objective, and the discourse is shifting towards one aiming for 'partnership' among more equal players with shared commitments (see, for example, UN, 2002 or DAC, 2005).

This current policy environment is, as a result, highly compatible with the human rights framework under which **accountability is principally one of governments towards their own citizens**, rather than focusing on the (contested) legal human rights obligations of aid agencies. For example, pooled, predictable funding channelled through government systems can make use of domestic accountability structures (such as elections, domestic audits, local committees) and 'provide the basis for government to start offering some services (for example, primary education or a public works programme) on the basis of rights' or universal, credible benefits which only the state – not aid agencies or NGOs – can provide (Uvin, 2004: 107). The main challenge is that reforms to improve aid effectiveness have tended to be rather technical, focusing on improving public expenditure management or policy-making capacity, and have not always put human rights commitments as a central part of national ownership (Piron, 2004a).

Moving away from negative conditionality…

Human rights commitments of recipient governments and donors have tended to play a limited role in the design and monitoring of new aid modalities, in part because human rights tend to be viewed as principally introducing 'negative conditionalities' which go against a relationship based on partnership and ownership. Policy or political conditions are often attached to aid, so that donors can account to their domestic constituencies for the use of resources. Human rights clauses and other mechanisms have been used so as to provide for political dialogue and the eventual **suspension of aid** when governments commit serious human rights violations. This is the case under the Cotonou Agreement, for example, where human rights are considered as an 'essential element' of the treaty and thus of the partnership between Europe and African, Caribbean and Pacific Countries. Article 8 provides for political dialogue, whereas Articles 96/97 provide for suspension as a last resort (Cotonou Agreement, 2000). Given the fungibility of aid, and the political sign of support to a regime provided by large aid programmes, donors are under pressure to terminate aid relations (or only use non-state channels) when serious violations are committed. This is one of the three reasons why aid might get suspended under the recent UK policy on conditionality (DFID et al, 2005: 3). Although aid agencies will argue that they cannot be directly held responsible for the actions of recipient governments, they do recognise the role that they can play in supporting such governments. The genocide in Rwanda, for example, prompted SDC to reflect on its high level of assistance since the 1960s and its limited responses to the deterioration in the pre-1994 situation (Voyame et al, 1996).

While negative conditionality can play a role in preventing an association with rights-violating regimes, recent studies of the application of policy and political conditionalities have shown their limited effectiveness, in particular when they are simply considered as 'sticks' to influence government behaviour (Piron and de Renzio, 2005). The wide range of incentives at play, the weak and partial nature of the measures imposed, the lack of coordination and consistency, and the potential negative impacts on the poorest in society have meant that the application of conditionalities has often not led to the intended results. It is now recognised that there is a need to mix positive incentives and negative signals to constitute credible and consistent longer-term strategies, based on dialogue and supporting positive reform efforts, rather than the blunt application of sanctions. This requires donor agencies to develop new

skills and incentive structures, based on a proper understanding of domestic politics, agreement with partners of the boundaries of acceptable behaviour, and the ability to engage in complex dialogue, rather than going to the extremes of abrupt suspension of aid or turning a blind eye to human rights violations (ibid). In this 'post-conditionality' approach, human rights have a role to play as part of political dialogue, both by setting some minimum standard for 'principled behaviour' by donors (Uvin, 2004: 172), as well as by recipients, but also by supporting change in a positive manner.

The effective use of 'positive conditionality' can serve to hold aid agencies to account, including through the use of the 'new' aid modalities. The starting point would be a greater understanding of the role that human rights can play as part of a nationally owned agenda on the basis of which aid interventions can be designed. There is a strong congruence between human rights associated with participation and the emphasis on country ownership requiring **broad-based participation** in the development of poverty reduction strategy papers (PRSPs) on the basis of which aid is increasingly provided, so as to promote ownership beyond the executive and also to take into account the priorities of legislative or decentralised structures or civil society representatives. Improved understanding of the context within which aid is provided has encouraged donors to undertake **political economy studies** (such as DFID's 'Drivers of Change' work), which can potentially include assessing the level of commitment towards human rights and identifying the role that human rights movements or accountability structures can play to support pro-poor change. Instead of (possibly naively) assuming that recipient governments can be effectively motivated because they are under a legal obligation to respect, protect and fulfil human rights, such assessments can help identify constraints within bureaucracies and society at large, and positive entry points to promote change. Indicators of human rights commitment, rather than a focus on outcomes, would be a useful adjunct to such studies and allow donors continuously to assess the context of their interventions.

Human rights considerations can also have a positive impact on the **level of aid** provided. For example, serious domestic shortfalls in funding social programmes contribute to governments' inability progressively to improve the realisation of economic and social rights; donors have a role to play in increasing the volume of available resources (UN, 2002). Sector-wide approaches or general budget support have been used as a way of scaling-up aid; they have tended not to include explicit human rights or social exclusion concerns, but can be used creatively to do so (Curran and Booth, 2005). **Policy-oriented support** can also form part of an aid package and be used to improve the domestic targeting of resources, so that the needs of vulnerable and excluded groups are given greater priority in line with the principles of equality and non-discrimination and the 'special measures' (such as affirmative action programmes) to compensate for past discrimination.

Although some donors have been keen to provide as much of their resources as possible through budget support, **projectised aid** still has a role to play in the current aid environment, for example in assisting in the mobilisation of social movements or domestic human rights monitoring projects. For example, in Uganda, DFID is providing the majority of its assistance through general budget support, but has also been a strong supporter of activities to enhance participation in the PRSP revision process, including some to promote the development of appropriate policies for pastoralists (Beall and Piron, 2004). Some human rights projects, however, may continue to reflect the agenda of donor countries, rather than domestic constituencies, such as the apparent focus of the European Foundation for Human Rights and Democracy on civil and political rights, including the death penalty, rather than economic and social rights. They may also lack enough flexibility to respond to emerging opportunities for change in a timely manner.

There is thus a range of ways in which human rights can be used positively in the allocation of aid resources and implementation of programmes, through both old and new aid instruments and modalities, and as a result serve to introduce human rights in accountability mechanisms at a policy/managerial level. They can contribute to building the capacity of

domestic actors – both rights-holders and duty-bearers – and allocating funding so as to meet core minimum economic and social rights. There is still a place within this framework to **use human rights to identify and mitigate the negative impacts of aid**. Yet, this can also be rephrased in terms of whether aid helps governments meet their obligations, in terms of non-retrogression, non-discrimination and non-infringement of core rights, for example. Privatisation programmes or large infrastructural programmes financed by international financial institutions have been criticised because they facilitate governmental non-respect of fundamental rights (such as limited access to water if a fee is charged or forced displacement in order to construct dams). The response needs to be two-pronged. Donors need to develop appropriate policy frameworks to ensure that they are prohibited from funding programmes that would have massive negative impacts (e.g. criticisms of World Bank projects led to the introduction of a number of 'safeguard policies' in the 1990s). They also need appropriate internal managerial accountability frameworks to ensure that these policies are respected and the evaluation findings are implemented (e.g. adequate response by the Bank to the 2004 Extractive Industry Review). Yet, these policy frameworks should not be imposed in a vacuum: they need to be linked to the willingness and capacity of recipient governments themselves to respect, protect and fulfil human rights.

…towards mutual accountability

While the new approach to aid puts recipient governments at the centre of the accountability framework, including encouraging greater donor financial transparency, the question of the appropriate use of donor power is still not resolved. For example, a narrow interpretation of 'national ownership' (e.g. limited to ownership of a national plan by a ministry of finance) would not facilitate the use of human rights commitments as a starting point for aid discussions when governmental partners' own commitments to human rights are weak. Donors may then still be considered as pushing 'their own agenda' if they support human rights interventions outside the PRSP; they will be considered weak in terms of their human rights commitment if they ignore these issues altogether.

One suggested solution is the clear establishment of human rights as part of the fundamental commitment of both parties to an aid 'partnership' – donors and recipients – and facilitation of the development of mutual accountability mechanisms where roles and responsibilities of partners are clarified (Piron, 2004a). Such an approach can be found in the UK's new conditionality policy paper, where human rights are not only used as negative conditions on aid justifying suspension, but positively as underpinning the aid partnership (DFID et al, 2005:8). Examples of mutual accountability frameworks include the three separate **Memoranda of Understanding** signed between the government of Rwanda and those of the Netherlands, Sweden and the UK, which include explicit human rights commitments and benchmarks, and monitoring and dialogue mechanisms, in addition to the framework provided for under the EU Cotonou Agreement, in particular Article 8. In Mozambique, the government and a group of donors providing direct budget support consider commitments to peace and to promoting free, credible and democratic political processes, independence of the judiciary, rule of law, human rights, good governance and probity in public life, including the fight against corruption, (with reference to commitments in the constitution, NEPAD and international agreements) to be *underlying principles of governance* for the provision of budget support (Government of Mozambique et al, 2004, emphasis added).

Such approaches could still be considered to be principally about 'negative conditionality', but they offer a starting point for engaging in dialogue based on explicit commitments, rather than what may be perceived as a one-sided application of standards and sanctions by donors.

In practice, these mutual accountability mechanisms may not yet live up to their intentions. Responsibilities and commitments of recipients are still more detailed and cumbersome than those placed on donors, and complementary actions required by donors to ensure that these new partnerships contribute to the realisation of human rights are often not taken (such as

clear and implemented human rights policy frameworks and aid programmes designed so as to help recipients meet their own human rights obligations). The extent to which these mechanisms genuinely deliver greater accountability also remains an issue deserving of continuous monitoring. Challenges include the quality of the processes whereby respect for commitments are monitored, indicators set, and information collected and analysed, and whether the findings are taken seriously and do influence policy dialogue and aid decisions. In addition, the relative ease with which donor funds provided through general budget support can be delayed, cut and suspended, by comparison to projectised aid, undermines its strength as a new aid modality given the possible unpredictability of large flows of aid. This further increases the importance of transparent and well informed processes in assessing whether the minimum conditions are in place for a new aid partnership and in responding adequately to respect for human rights commitments – or lack thereof (Piron and de Renzio, 2005).

Mutual accountability frameworks at the regional or international level also offer opportunities for enhancing (donor) government to (recipient) government accountability, rather than a narrow recipient-to-donor focus. In addition to various meetings discussing the implementation of the right to development, the UN human rights treaty monitoring bodies are now starting to ask questions to donor governments about their aid and recommending that states ensure that 'international cooperation contributes to the realization of the rights recognized in the Covenant' (UNCESR, 2004a: para 27). For example, a comparison of the UN Committee on Economic and Social Rights concluding observations on Denmark and Spain in 2004 illustrates how it praised the former for its high level of overseas development assistance and reminded the latter of the need to move towards the UN target of 0.7% of GDP (UNCESR 2004b and 2004a.) Peer reviews provided for by the OECD DAC (between donor agencies) or the New Partnership for Africa's Development (between governments) could include a greater focus on meeting human rights obligations.

4.   Donor accountability to citizens in developing countries

Building domestic accountability structures

If the current aid paradigm is taken seriously, and if it is accepted that recipient governments should be principally responsible for how aid is used, a question exists as to why direct donor accountability to citizens in developing countries still matters. An initial response is that aid should be directed at building domestic capacity – including domestic (recipient) accountability structures, both within and outside the state. Donors can provide resources to create alternative accountability mechanisms that will counterbalance their own power – as they can distort domestic priorities. For example, as donors have moved to provide resources through national budgets, requiring prioritised (national or sectoral) policy frameworks, this has tended to increase the power of ministries of finance, and downplay the role of parliaments and the judiciaries and other domestic horizontal or vertical accountability structures. 'Compensatory' support to redress the distortionary impacts of powerful donors can thus be justified.

Prominent areas of donor intervention thus include various state accountability structures, including national human rights institutions or enhancing access to justice so as to promote legal accountability and redress mechanisms for the poor and marginalised. Providing funding to civil society organisations, in particular around PRSP processes, is often considered another strategy to build domestic pressure for transparent and responsive use of domestic and aid resources (see the work of the Uganda Debt Network). Yet, the impact of such interventions is at times questionable. The quality of (donor-funded) participation in PRSPs has been challenged from many angles (Stewart and Wang, 2003). Donor aid to civil society organisations is often limited to elite urban NGOs which cannot be said to represent the interests of the poor and cannot address deep social structures. Institutional reform programmes are expensive and take a long time to show impacts.

Strengthening direct donor accountability mechanisms can still be justified, for three reasons: because building domestic accountability structures takes time; because donors still bypass state systems and can be immune to civil society pressure; and, most importantly, because they remain highly influential in how aid and national resources are used and their power has to be checked.

Improving existing donor accountability mechanisms

There are several ways in which aid agencies can be held to account for the design and impact of their assistance, both in terms of processes and outcomes. At present, few of them make explicit use of human rights standards or mechanisms – possibly because of fear of accepting legal human rights obligations more generally or the resulting enhanced accountability. The examples provided below illustrate how human rights are already included or could be introduced.

Human rights assessments can provide the baseline data on which to design donor-funded programmes or interventions and assess their impacts. A distinction needs to be drawn between *ex ante* and *ex post* assessments. The former aim to assess the potential impacts of an intervention before it is implemented, whereas the latter will review consequences of implemented policies or projects. Poverty and Social Impact Assessments (PSIAs) create opportunities for mitigating anticipated negative impacts associated with internationally funded reforms, including in the trade area (Howse, 2004). When governments receive loans through the international financial institutions, they are encouraged to undertake such *ex ante* analysis when policy changes are likely to have large distributional impacts. An explicit concern for human rights could improve the extent to which such studies consider the impact of policies on particular social groups, which would require disaggregated data. At present, few studies focus on exclusion but there are opportunities for them to do so, and thus to play a useful role in policy dialogue processes (Curran and Booth, 2005). In addition, such studies need to be associated with effective remedies for affected populations (UN, 2005a). These should not focus narrowly on social safety nets, but make use of wider lessons on various social protection programmes and how they can integrate a human rights-based approach (Piron, 2004b).

Some bilateral organisations, such as NORAD, have adopted human rights assessment methodologies. However, the extent to which such tools effectively inform the design of country programmes and projects is unclear. Step-change, such as introducing human rights in existing assessment or programme design frameworks, rather than developing entirely new tools, may be more effective. Unless these analyses are made publicly available, though, they cannot provide the basis for external accountability. A case could be made, at times, for confidential assessments (see ODI meeting notes, 2005) , but only if they are genuinely used to improve a human rights situation and not hide the absence of adequate donor responses, which would require adequate internal accountability structures.

Access to information is a central component of accountability. Greater financial transparency on the part of aid agencies, in terms of how much of public monies has been allocated to particular programmes (both government programmes and NGO projects), how they have been disbursed and the impacts they have achieved, could serve to enhance donor accountability. Examples include: public expenditure tracking surveys for social sectors funded through sector-wide approaches; providing information about potential loans to parliaments (when such loans tend to be negotiated with the executive); or making public mid-term reviews and evaluations of donor programmes. These mechanisms can combine donor and governmental accountability when donors use government mechanisms; however, human rights objectives and indicators would be required to ensure human rights – rather than financial – accountability.

Participatory approaches are considered amongst the strongest strategies to ensure direct accountability to aid beneficiaries, for example so as to incorporate a human rights

perspective in social impact assessments (Howse, 2004). A range of participatory tools and techniques is now widely available which can make government or NGO agencies delivering aid-funded projects more directly accountable to beneficiaries. When such mechanisms are used to monitor the performance of service delivery by state institutions (e.g. school management committees or local governments), they can contribute to enhancing formal accountability as well as donor accountability. For example, the Northern Ghana Network for Development has facilitated the use of scorecards to assess service providers, in particular in education. Focus groups score the service provider on a number of criteria which have been developed in a participatory manner (e.g. teachers' attendance and punctuality, ability of children to read and write after completing primary education or total costs to parents). Findings are aggregated into 'district scorecards' and public forums are held, with comparisons between districts and sectors to identify weaknesses and stimulate better performance. There are three issues to be noted here: such mechanisms can be developed without references to human rights standards; they need to be institutionalised to provide ongoing accountability (and not limited to the duration of a donor or NGO project); and finally, the risk that participation may be a burden, or at times more cosmetic or manipulative than 'meaningful', and only provide the veneer of legitimacy through consultations.

A unique feature of human rights is the focus on **remedies and redress mechanisms**. There are few documented mechanisms whereby communities and individuals affected by development interventions can bring a direct complaint to an aid agency, seek a change in the project or policy, and obtain redress or compensation. An example is provided by the World Bank Inspection Panel. Set up in 1993 by the Board of Executive Directors as a response to criticisms from civil society and member governments that the Bank was not respecting its safeguard policies, it is a quasi-independent body which investigates complaints from people affected by Bank projects and ensures that the Bank's operational policies and procedures have been followed. The Panel acts as a non-judicial fact-finding body. In some cases, the outcomes have been described as satisfactory, such as when it resulted in the cancellation of projects (e.g. case of the Arun Dam in Nepal). There is also a sense that it has contributed to improved Bank compliance with its own standards.

However, this mechanism has several limitations and is not fully adequate in terms of providing remedies (Clark, 2002; Magraw, 2003; Schlemmer-Schulte, 2003). As a mechanism of last resort, it handles few cases – according to the Bank's website, only 27 formal requests have been received since 1994. When projects are under implementation, often little harm mitigation takes place. The Panel depends on discretionary action by the Board/Management and lacks oversight authority over the implementation of remedial measures, for example to check if Management's responses to its findings are appropriate. There is a concern that the Panel cannot review structural adjustment programmes and that it has contributed to 'watering down' policies to lessen its check on Management. Finally, as shown in the Chad-Cameroon case, the Panel is not able to address the full range of claimants' human rights concerns, given the view that the Bank is not subject to international human rights law. The Panel is, however, an important example of an accountability mechanism giving opportunities to citizens in borrowing countries to hold the Bank accountable to its own standards. Other similar mechanisms have been adopted by other development banks, but bilateral agencies do not seem to have such procedures in place.

Mechanisms through which staff from donor agencies can be **held to account for their individual actions** are not always used and there is limited information in the public domain. Documented abuses by military, civilian or contracted personnel working for UN peace-operations have included violence against the local population in Somalia, trafficking in persons in the Balkans or the 'food for sex' scandal in West Africa. Yet, 'criss-crossing of jurisdicational responsibilities has produced situations where allegations of misconduct and even criminal behaviour often fall through the cracks.' (Spees, 2004: 21). Sending states may not wish to discipline or prosecute their own staff; host countries' legal systems may not be sufficiently effective or there may be political reluctance to use them against international missions; and the public accountability of sub-contracted private security firms is problematic.

The UN Secretary General has now adopted a 'zero tolerance' policy, which will require strengthened internal oversight capacity, as well similar action by Member states with regards to their national contingents (UN, 2005b: para 113).

Donor agencies can (and could to a greater extent) be the object of **monitoring and advocacy by local actors**, including national human rights institutions, media or civil society organisations. Key constraints are: access to quality information, investigative skills, the ability to make practical recommendations that could inform appropriate donor responses, and the need for domestic constituencies to support such efforts. Accountability may well tend to operate via constituencies in donor countries such as when international and domestic human rights NGOs partner to issue reports or the international media pick up and amplify local stories. Local civil society organisations may well be constrained by the fear of criticising the agencies that fund them and, as noted above, may have limited legitimacy in the eyes of the wider public.

Finally, a weak area of public accountability concerns **contractual accountability**, for example of NGOs, large or small-scale commercial companies, or individual consultants delivering aid projects or technical assistance. Although they are subject to financial and managerial accountability to the donor agency funding the intervention, these individuals and organisations are rarely directly accountable to citizens who will eventually benefit from their technical expertise, or suffer from the negative impacts of inappropriate advice or services.

5. Conclusion

This paper has reviewed a range of examples through which human rights can enhance the accountability of aid agencies. First, human rights can be integrated within political or managerial mechanisms in donor countries, in particular policies, guidelines and procedures of aid agencies. These are probably the most powerful incentive structures and this is where attention needs to be placed. Secondly, they can be used to enhance mutual accountability between donors and recipients, by introducing human rights not just as a source of negative conditionality associated with terminating assistance, but also as positively contributing to various 'new' aid modalities and instruments. The strong congruence between enhancing national ownership and the primacy of national governmental accountability for human rights needs to be highlighted. Thirdly, existing accountability mechanisms of aid agencies towards the populations that benefit from the aid are still relatively weak and need to be strengthened.

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