

Behind the rhetoric: the relevance of human rights for development and humanitarian action

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In May 2004, images of torture, degrading and inhuman treatment of Iraqi detainees by US soldiers hit the front pages of the international press. Worldwide condemnation was immediate. There was moral outrage, but also a demand for accountability. There were calls for high-level resignations and some soldiers were brought to trial. The UK government was criticised for not paying sufficient attention to the monitoring reports of the International Committee of the Red Cross or Amnesty International.

This vividly demonstrates the shared international acceptance of human rights: that certain actions violating the dignity and integrity of the human person, especially when undertaken by state agents, are unacceptable. Yet, this moral outrage, and the accountability norms and tools associated with human rights, are not often extended to the situation of extreme poverty that continues to afflict hundreds of millions, especially in developing countries. Donor governments do not always seem to recognise poverty and suffering as a denial of human rights that they are obliged to address – through development assistance, humanitarian action or otherwise.



Dispossessed widow and her children, Zomba district, Malawi
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Over the past year, ODI has developed a body of research and policy advice on the relevance of human rights for development and humanitarian assistance. A multidisciplinary 'Rights in Action' team has been set up aiming to assess the practical relevance of the 'rights' agenda – going beyond human rights to examining citizenship, customary, contractual or informal rights and claims, including claims to natural resources.

Human rights have potential relevance for humanitarian and development practice at all levels, providing standards and principles which can inform the objectives of aid and make available tools for analysis (such as highlighting the structural causes of poverty). This can contribute to identifying clearly who is responsible for responding to poverty (the state and other 'duty-bearers') as well as making individuals and groups 'rights-holders' and claimants, rather than mere beneficiaries of development processes.

The humanitarian assistance and human rights agendas overlap to a substantial degree in situations involving severe and widespread threats to people's welfare: both are concerned with protecting people from violence, coercion or deliberate deprivation; both invoke the law designed to protect people against such threats, and to hold the parties concerned responsible. The humanitarian approach emphasises the duty to relieve human suffering, normally in the relatively short-term. The human rights approach, on the other hand, tends to relate to current or past breaches of relevant legal obligations. This latter approach focuses on the question of political responsibility and justice. Remedies are both corrective and preventative, concerned with exposing past abuse and preventing new ones.

ODI has been reviewing the practical compatibility of these two agendas, neither of which sits happily with political

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compromise. Despite the obvious overlap of concern, there are potential tensions between the demands of these agendas. It is in the relative priorities of each agenda, and in the means by which they are pursued, that a potential divergence arises.

A shared core protection agenda is likely to include prevention of all forms of violence against civilians, forced displacement and other forms of coercion, such as child recruitment and deprivation of the means of subsistence, including destruction of crops and water sources, or denying access to relief.

However, there may be tensions arising from competing priorities and conflicting approaches: the demands of the justice agenda may not always be consistent with the humanitarian imperative in a given case. Under what circumstances should constructive engagement with government (so as to secure continued relief access) be prioritised over a strategy of overt pressure? Under what circumstances is humanitarianism threatened by high profile and adversarial human rights campaigns? What can be done to minimise this risk in practice? Organisations need to make mutually informed decisions to answer such questions rather than, as at present, dealing with conflicts only as they arise.

ODI has also documented and evaluated current human rights-based approaches to development assistance. Our studies show that there is a growing range of activities within aid agencies attempting to translate such approaches into practice. They include the design of DFID's Latin American country programmes based on a human rights analysis, leading to a programmatic focus on combating social exclusion and inequality. Swiss government support in Rwanda illustrates aspects of a human rights-based justice agenda: dealing with past violations and the need for punishment and compensation by supporting the *gacaca* genocide tribunals, as well as responding to women's needs for better access to justice over land, inheritance or divorce issues.

Within the UN system and in particular within UNICEF, a human rights-based approach is no longer a new, special issue. It is now standard procedure in almost all country programmes. However, it is not yet common practice in the aid community at large. There is still political and technical resistance: human rights can be seen as costly 'extras' undermining growth or as politically problematic, introducing conditionalities and working against 'partnership-based approaches' to development. ODI's research for the UN on the right to development suggests



Women waiting for legal advice in Gitarama, Rwanda
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that partnerships can be grounded in human rights: aid modalities that strengthen national leadership and capacity are fully consistent with an agenda that recognises the primary responsibility of states for their human rights obligations. Human rights can also strengthen pressures for enhanced donor accountability.

Human rights discourse can be off-putting because it is normative and legal, or uncomfortable because it advocates radical alterations in power relations. There may be disagreements with economists over perceived 'anti-growth' social and economic rights. Other challenges are institutional: which sections within agencies should have responsibility; will human rights displace other approaches; is senior management sufficiently supportive; are adequate resources devoted to communicating policies to staff? More and more agencies, however, are addressing, rather than avoiding, these issues.

ODI's 'Rights in Action' team plans further work on the strengths, and limitations, of placing human rights at the heart of aid and development processes. To date, we have learnt that these are not idealistic or legalistic issues. They lie at the centre of international action, as Iraq sadly continues to remind us.

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