

A RIGHTS-BASED APPROACH TO EMERGENCIES

Rights-based analysis in practice

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In a recent workshop, Sam Braihma (ActionAid Burundi) treated us to a stimulating collection of popular African proverbs. One of them, in particular, stuck in my mind:

*"a drowning person needs a rope,
not a sermon".*

But what do ropes and sermons have to do with the 'rights-based' approach? A lot, I guess. In fact, when considering the reality of human rights, the gulf between words (sermons) and actions (ropes) is lamentably too wide.



The human rights discourse has consolidated its position as the prevailing moral and social language of this so-called 'global' era. Today increasingly more people couch their demands in 'rights' terms: politicians and diplomats, academics and journalists, minorities and majorities, 'humanitarians' and 'developmentalists'. Yet the constant stream of reported human rights abuses from around the world does not recede.

Thus, as we strive to reach a better understanding of the nature and practical implications of the rights-based approach, we also become more aware of the risk of falling into utopian discourses, lacking in coherence and realism.

This paper addresses the difficult balance between theory and practice concerning the rights-based approach in the context of emergency work. It does so by:

- Outlining the *attributes of a rights-based analysis*,
- Presenting two mini case studies based on *ActionAid's rights-based work*: a) micro-level planning in Bolangir (India) and b) peace building in Burundi. Both constitute remarkable examples of how to harmonise words and actions.

"Get your rights-based glasses": rights-based analysis as a practical tool

A rights-based approach asks us to look at the world through a certain lens: a lens that focuses on human beings as they enjoy, or are deprived of, their basic rights and freedoms. In this sense, it draws our attention to the systematic denial and violation of human rights, which often lie beneath poverty, conflict and natural disasters.

It seems, however, that the resulting field of vision still appears to us somehow unclear, blurred. Not surprisingly, many practitioners have already expressed the need "to get a clearer picture" of rights-based theory and practice. In other words, the need for a better analysis on rights issues.

Perhaps what we need in order to improve our vision is a pair of *rights-based glasses*. Building on current analytical frameworks (e.g. empowerment approach and vulnerability analysis), these spectacles would have the following properties:

1. Shifting the focus & widening the field of vision

By shifting the focus of the analysis towards the structural causes of poverty and humanitarian crises, *the rights-based glasses turn our attention to the societal arrangements of a particular human community*. Hence the emphasis is placed on the *position* of individuals and groups within society, rather than exclusively on their *situation*. The ensuing analysis will address some fundamental questions:

- who defines the nature and scope of the relations both within the group and between members and non-members of the group?
- what are the formal and informal instruments of regulation of such relationships (including social, political, economic, legal and cultural mechanisms)?
- what are the existing patterns and causes of inequality, exclusion and vulnerability?
- who are the winners and losers resulting from the interplay of such patterns and causes?

- to what extent do those patterns reflect the values, principles and norms proclaimed in the wider legal system applicable in that society?

Since virtually each human society organises itself around the basic notions of rights and obligations, our rights-based glasses widens our field of vision *reconciling analyses of power, governance and rights*.

The fact is that emergencies, especially armed conflicts, may lead to the collapse of those institutions which form the social fabric of the affected communities. But crises can also bring opportunities. As the case studies below show, emergencies often expose existing patterns of oppression and injustice, creating space for change and reform. A rights-based analysis will take both challenges and opportunities into consideration.

2. Dissolving differences & revealing linkages

A rights-based analysis advances *the integration of emergencies and development practice*. At the level of principles, the rights-based glasses act *dissolving* the traditional differences between humanitarianism and development. As Slim (1) argues, *both are concerned with saving life, both are short and long-term, and both are political in the proper sense of being concerned with the use and abuse of power in human relations*. Essentially, humanitarianism and development share a fundamental belief in human dignity and in the essential equality of human beings.

In practical terms, a focus on rights reveals further linkages between emergency and development work, encouraging innovative programming and policy initiatives. Closely interconnected, poverty and vulnerability to emergencies often share a common root: the widespread denial of specific rights and freedoms. Our case study on ActionAid's work in Western Orissa provides a clear illustration of rights abuses and denial of freedoms as a common source of poverty and vulnerability.

3. Combating short-sightedness

The rights-based glasses help us combat short-sightedness. They *strengthen our ability to look at both the past and the future* by unveiling the **long-term nature, causes and implications of poverty, conflict and suffering**. As a result, short-term relief interventions are seen within the context of longer-term processes. If vulnerability reduction is about transforming power relations as well as extending rights and freedoms, both short-term emergency work and long-term development are complementary, mutually reinforcing.

4. Scanning & broadening our view of rights

When analysing human rights, there is a tendency to concentrate on the lists of rights and freedoms contained in the different international and regional legal instruments. Without denying the relevance of such instruments, our rights-based glasses compel us to scan those **rights as formulated and internalised by the different national and local legal systems**. ActionAid's programme in Burundi exemplifies the importance of including local values and institutions as a key component of a rights-based analysis.

Similarly, rights are often narrowly understood just as 'claims' held by individuals against the state. There is, however, a wider range of rights, freedoms, powers and immunities to be taken into consideration. Amartya Sen's *capabilities approach* (2), for instance, focuses directly on freedoms, defined as individual capabilities to do things that a person has reason to value. As ActionAid India's experience in Orissa shows, together with a set of rights and entitlements to be claimed directly against the State, there is also a set of inter-related rights and freedoms, whose denial and abuse take place within the private sphere of the poor and marginalised.

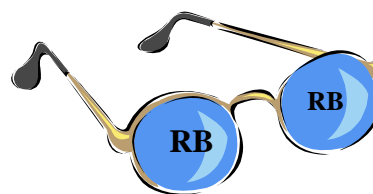
5. Zooming in on dilemmas

A rights-based analysis forces us to address the contentious question of *the relationship between humanitarianism and politics*. It is said that addressing issues of structural denial of rights cannot be politically neutral. As emergency, development and human rights practice converge, a number of critical dilemmas arise. According to Leader and Macrae (3), the increasing merger of objectives of aid and politics poses a risk of violation of key humanitarian principles, particularly independence and neutrality. As they suggest, the use of aid as a tool of conflict management may mean that aid is delivered or withheld not on the basis of need, but according to an analysis of its likely impact on the conflict dynamic.

Yet a rights-based approach demands an active engagement on advocacy and influencing activities, whose political nature is undeniable. As ActionAid Burundi's programme on peace building illustrates, the nature and style of such engagement will be largely dictated by the context in which one operates.

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ActionAid's experience in Burundi and Bolangir encourages us to keep exploring the potential of a rights-based analysis as a practical tool. A pair of "rights-based glasses" may help us develop a solid and coherent informational base upon which to establish goals and priorities, set standards, formulate policies, and design programmes. Have you already had your "eyesight" tested?



Endnotes

- (1) Slim, Hugo (2000), *Dissolving the differences between humanitarianism and development: the mixing of a rights-based solution*, Development in Practice, August 2000
- (2) Sen, Amartya (1999), *Development as Freedom*, Oxford University Press
- (3) Leader, N. & Macrae, J. (2000), *The Politics of Coherence: Humanitarianism and Foreign Policy in the Post-Cold War Era*, HPG Briefing, number 1, ODI

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The tragic events that afflicted Burundi in the 1990s resulted in the killing of tens of thousands of people, mostly civilians, from the two main ethnic groups, Hutus and Tutsis. Furthermore, widespread inter-communal violence provoked the collapse of existing social and political institutions, particularly at community level. About one million Burundians are still displaced both internally and across the national borders.

ActionAid, which had initiated its work in Burundi in 1976, responded to the crisis by introducing important changes in its programmes and ways of working. Building on its existing participatory and developmental approach, AA Burundi's peace building programme constitutes a remarkable example of innovative and courageous work in sustained conflict. A key component of its work relates to the re-establishment and support of traditional authorities as instruments of peace and order.

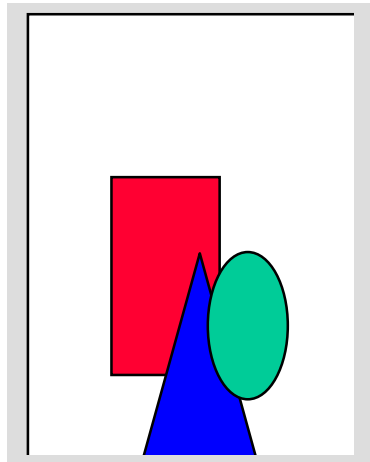
Research & analysis on traditional institutions

Although actively engaged in emergency assistance to the affected population, ActionAid's research and analysis soon focused on the concept of community development. In this respect, the reinforcement of basic mechanisms of social interaction and local governance was seen as crucial in order to return to peace.

Concerned by the resulting breakdown in law and order, many were calling for a rediscovery of traditional values and institutions as key to building peace and promoting reconciliation. In 1998, in collaboration with the University of Burundi and other research institutes, ActionAid initiated an extensive **research project into traditional values** in Burundi. Its main aim was to "gain an understanding of the significance of traditional authority and traditional value systems in conflict avoidance, conflict management and peace building".

The study's findings confirmed that, although seriously eroded, the institution of the **Bashingantahe** still continued to play a major role in peace and reconciliation processes among Burundian communities. By focusing on the role of traditional institutions, interesting lessons were drawn especially in the areas of governance and conflict resolution. This has allowed AA to undertake practical actions in support of local capacities, while ensuring the creation of spaces for sustainable conflict resolution mechanisms.

AMAHORO - 1997 Calendar containing local proverbs carrying messages of peace & reconciliation in Kirundi, French & English



The art of neutral politics

AA Burundi's programme was severely affected by the crisis. The death of a significant number of staff and close relations added further difficulty to the already complex situation caused by the conflict. AAB staff agreed and adopted a Code of Conduct to guide their fieldwork, including the principles of ethnic neutrality, non-partisanship, transparency and respect of the different traditions and group interests.

Yet AAB has since engaged in a wide range of advocacy and influencing activities of obvious 'political' nature. In a context of ample collaboration with government, donors and other NGOs, AAB has developed a distinctive approach, often in the form of "quiet, behind-the-scenes lobbying", based on its credibility. A different, more outspoken approach was adopted on the impact of sanctions on Burundi economy, which took AAB to the British Parliament to present their case.

Bridging the humanitarian-development gap

In the emergency programme's initial phase, local committees were established to manage the relief distribution process. Eventually these committees were to become a central element of AA's long-term community development programme: a series of inter-linked activities in which peace building acts as the crucial link between humanitarian and development work. These activities include:

Shelter and social infrastructure rehabilitation programmes (e.g. primary schools) aimed to facilitate the return of displaced from all ethnic groups to their communities of origin. In addition, a variety of **micro projects** have been undertaken, ranging from group credits to initiatives in agriculture and social forestry. The aim is to reinforce the community's capacities to prioritise and to manage their own projects, while encouraging co-operation.

In order to promote trust and communication among Burundians, several projects have been implemented, such as the publication of the Community Newsletter EJO and the dissemination of posters and other materials **carrying messages of peace and trust**. REFLECT and other participatory tools are also used to encourage **dialogue and discussion** on peace and reconciliation issues. The programme equally addresses the role of women, youth, and specific groups (e.g. teachers) as peacemakers.

More recently, AA has supported the identification and **translation of laws** on human rights, women's rights and children's rights into Kirundi, the local language. The objective is to raise awareness and increase the capacity of traditional authorities and other civil society actors to address legal issues.

Defining rights and responsibilities

Confronted with the challenge of promoting trust and co-operation between antagonist neighbours, AAB established an innovative and effective system to regulate the committees formed to manage the distribution of emergency goods. Each community produced a "**Cahier de Charges**": a kind of contract between the different parties identifying the community needs, while reinforcing the committees' autonomy. In this 'exercise book', the rights and responsibilities of all parties are recorded. Based on a shared understanding of the programme's objectives, this approach recognises the communities' right and responsibility to make decisions concerning their priorities and plans.

In line with it, the research on the **Bashingantahe** laid the foundations of practical initiatives aimed to strengthen local mechanisms of conflict resolution and governance. Transcending ethnicity itself, the Bashingantahe have traditionally represented legitimate forms of local democracy in Burundi. Their functions include non-violent conflict resolution at community level, assistance with contracts and transactions, advice and counselling.

From a rights-based perspective, some dilemmas, however, appear when considering the relationship between traditional values and institutions and human rights. The question of **women's right** to participate in the Bashingantahe, for instance, remains controversial and sensitive in a patriarchal system anchored in Burundian tradition.

(1) Procedural formula used by the *Bashingantahe*



Affected by periodic drought, small farmers and labourers in Bolangir district (Western Orissa, India) are often forced to mortgage or even sell their land and other remaining assets to subsist. Eventually, many villagers abandon their homes in search for wage-paid labour, entering a dramatic spiral of poverty and social exclusion. In the small village of Badatunda, only three years ago, about 70 per cent of their inhabitants were regular migrants.

With active involvement of the communities, ActionAid India, alongside several local NGOs and CBOs, initiated a process of micro-level planning (MLP) with the central objectives of: a) ensuring equal access and control over available resources; b) ensuring food security; and c) empowering the poorest and marginalised to assert their basic rights. A considerable number of villages have already benefited from this innovative programme. Last year, for instance, all inhabitants of Badatunda managed to avoid forced migration and stayed in their communities throughout the year.

Unveiling the spiral of poverty

Recurrent drought and widespread poverty are a constant feature in Bolangir district. However, drought-related poverty is just the tip of the iceberg. In fact, drought acts as the device which triggers off a complex cycle of poverty that condemns the poorest and marginalised to further impoverishment and social exclusion. Within this spiral of poverty, their basic rights and freedoms are systematically denied.

ActionAid's long-term programme focuses on **micro-level planning**, a process through which the villagers actively engage in the analysis, design and implementation of their own development plans. The use of participatory tools favours the incorporation of a rights-based perspective. *Social maps*, for instance, provide information on the social status of the village, looking critically into the dynamics of the village, such as caste hierarchy, class status and access and control over basic resources. Similarly, *Venn diagrams* help strengthen people's understanding of the relationship between the various institutions at the village level.

Such analyses unveil the exploitative nature of the labour which the poorest of Bolangir are forced to take on, while highlighting their position of **dependence** with respect to other community members. Stories of abuse and exploitation by middlemen, money-lenders and contractors are a commonplace among the poor of Bolangir.

In addition, forced to abandon their villages over long periods, the poorest usually miss the opportunity to access public distribution schemes. Micro-level analyses have also confirmed that government responses to extreme poverty in Bolangir continue being inadequate. Thus despite official fixing of procurement prices for agricultural and non-timber forest products, poor farmers and collectors are compelled to sell their produce at a rate far below what is legally prescribed.

Drought mitigation as a catalyst for political participation

For many villagers, remaining at home means that they may participate in those political processes that so importantly affect them (e.g. elections). Furthermore, under the CADMB and CDAC, a number of advocacy and influencing initiatives have been taken through the MLP process. Those range from lobbying district officials concerning the correction of BPL lists or the right to education of migrant children, to demanding judicial inquiries for the death and torture of migrants at work sites. Advocacy efforts have also aimed to achieve legal reform and further decentralisation of power.

The Lok Yojana process has been presented before various local authorities (e.g. the Planning Commission) for the inclusion of participatory micro-level planning as a policy.

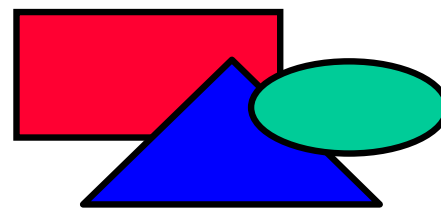
"Long-term emergency" action plans

Following the initial short-term relief intervention, AA's programme in Bolangir focused on community mobilisation, capacity building of local CBOs and NGOs as well as the preparation of participatory micro-level plans by each of the 111 villages involved.

In 1997 a group of national and local organizations, including AA India, set up the *Collective Action for Drought Mitigation in Bolangir* (CADMB). A wide variety of initiatives were launched, including posters, street plays and cultural programmes. Both partners and communities were trained in participatory tools, basic accountancy and issues concerning land laws and land ownership systems. The different *Village Drought Action Committees* (VDACs), which had been formed to mobilise villagers, federated into a district level advocacy forum, the *Central Action Committee* (CDAC).

Once the participatory analyses were complete, **action plans** were locally developed. These include the establishment of saving groups, grain banks, women self-help groups and land development initiatives. Moreover, specific initiatives were designed to address the issue of **forced migration**, such as the creation of village registers of migrant labourers containing all details concerning the parties to the contract and work arrangements. Information on human rights issues, legal aid and labour laws has been widely disseminated.

MLP initiatives aim to eliminate obstacles to the exercise of basic rights and freedoms by the poor and marginalised, while creating opportunities for their protection and expansion.



SOCIAL MAP of Gandpali, Bolangir

Expanding rights and freedoms

Micro-level analyses have helped identify a wide array of inter-related rights and freedoms systematically denied to the poorest and marginalised of Bolangir. Migration, for instance, appears closely connected to the systematic violation of the rights to work, information, health, education and political participation, among others.

Action plans address such areas of inequality through a variety of initiatives: dissemination of information on various government schemes and pensions; revision of the lists of eligible households for 'Below Poverty Line' (BPL) entitlements; as well as denunciation of local officials' misdeeds before the media and the courts.

In addition, micro-level interventions designed to create employment and ensure food security (e.g. saving and credit opportunities) have equally contributed to challenge the position of dependence and oppression which ties the poorest to moneylenders, middlemen and contractors. In Badatunda, for example, the construction of two onion stores has allowed local farmers to recover the control over their crops, accessing the market directly, when the prices are more favourable.