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The Rights-Based Approach to Development in Latin America

A Capstone Project Submitted in Partial Fulfillment of the
Requirements of the Renée Crown University Honors Program at
Syracuse University

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Honors Capstone Project in International Relations

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Abstract

Many scholars and practitioners believe the rights-based approach represents a significant step forward in the development field towards the eradication of poverty. In lieu of blind service provision, aid organizations implementing the rights-based approach use human rights to address underlying causes of poverty such as exclusion, discrimination and corruption. However, integrating human rights into the development process is no clean, simple task. The rights-based approach has been conceptualized and implemented in many different ways around the world since its emergence in the 1990s. Scholars and practitioners now ask: *Which* rights-based approach is the most successful? I examine the rights-based approaches implemented by two organizations in Latin America, a region that has been especially receptive to the approach. I chose one international NGO, Plan, and one local organization, Puntos. These two organizations envision the role of human rights in development very differently, which resulted in very different strategies and outcomes. After conducting an extensive literature review, I found both approaches came with their own advantages and challenges depending on how each organization defined their role in their communities. Plan's service-driven approach resulted in a more measurable increase in rights enjoyment, especially with regards to health and education. Puntos' social change-focused approach worked to change the social context in which rights violations occur. Perhaps an ideal combination of the two approaches would address the shortcomings of each and expand the rights-based approach to its greatest potential. Regardless, a study of these two different rights-based approaches hold important implications for the future of the rights-based approach – whichever form it takes.

List of Acronyms and Abbreviations

GDP   Gross Domestic Product

GNP   Gross National Product

NGO(s)   Non-Governmental Organization(s)

Plan   Plan Guatemala

Puntos   Puntos de Encuentro (Meeting Points)

UN   United Nations

UNDG   United Nations Development Group

UNDP   United Nations Development Program

UNDRD   United Nations Declaration on the Right to Development

UNHCHR   United Nations High Commissioner for Human Rights

UDHR   Universal Declaration of Human Rights

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I. Introduction

The rights-based approach to development is a groundbreaking new strategy utilized by many aid organizations for addressing the root causes of poverty, injustice and human rights violations around the world. Before the emergence of the rights-based approach in the 1990s, most organizations used the service model, i.e. the provision of food, water, medicine, education, etc. to impoverished people. However, development practitioners began to realize that this blind, output-oriented model did not address the root causes of poverty; it only relieved its symptoms. People suffering in poverty received the necessities of everyday life, but the underlying problems that led to their exclusion from them - issues such as discrimination, marginalization, unequal power relations, corruption - persisted. Impoverished people became dependent on these organizations and communities remained stagnant in their development. As a result, many organizations searched for ways to make their work more sustainable, more legitimate and more worthwhile.

The use of human rights in development work promised to do just that. The emergence of human rights in the latter part of the twentieth century constituted a promising supplement to development work for many aid organizations. With the Universal Declaration of Human Rights (UDHR) in 1948 and proceeding human rights customs and treaties in the next few decades, the rights of every human being, solely by virtue of their humanity, became clear and codified. Rights such as the right to education, healthcare, equality, protection from violence, freedom of speech and more, were officially established under

international law. In the 1990s, many development practitioners began to recognize the pertinence of human rights to their work. Human rights champion the endowment of rights specifically to excluded and marginalized populations, most of which live in extreme poverty. Development organizations concern themselves with the manifestations of human rights, such as the right to health, food, education, equality, security and expression. Practitioners soon realized human rights could be used to enrich development work. They began to re-conceptualize their work as having greater significance in the "big picture" of the interplays between rights, politics, exclusion, discrimination, unequal power relations and other issues affecting poverty. Since then, the interaction between human rights and development has become an important research topic. The rights-based approach to development represents one manifestation of the intersection between human rights and development. In the 1990s, it emerged in the academic sphere and in on-the-ground development fieldwork.

Today, the rights-based approach to development has become a widely recognized system for achieving development outcomes. However, it remains a young approach, only emerging as a competent theory in the last few decades. For this reason, no single, formal rights-based approach exists to-date. The task of incorporating human rights into development work remains open to a wide range of interpretation. Organizations utilize many different methods for grounding their work in human rights language. However, several trends help paint a picture of the rights-based approach as it used by aid organizations today. For the purpose of this analysis, the rights-based approaches of Plan, an international development organization working in Guatemala, and Puntos de Encuentro (Meeting Points), a

grassroots feminist organization working in Nicaragua are compared. These two organizations have implemented very different rights-based approaches, which have produced different results and challenges. Thus, an examination of these two approaches side-by-side may yield insightful implications for the rights-based approach in development work. It can help answer the question: *Which* rights-based approach, if any, lives up to its promise of more sustainable, legitimate and meaningful development work? Furthermore, it is no coincidence that both of the organizations chosen for this analysis operate in Latin America. The rights-based approach appears to be most successful in this region. Therefore, this analysis centers on the use of the rights-based approach in Latin America, the most favorable environment for studying the potential of the approach.

The research methodology used was a literature review. I begin with an introduction to human rights and the development of the international human rights framework. I then recount the growth of the development field and the gradual encroachment of human rights into the field. Next, I discuss the emergence of the rights-based approach to development and outline the four common trends that unite the collective strategy known as the "rights-based approach." The qualities of the rights-based approach that promise to add value to development work are then examined, addressing the question: *Why* the rights-based approach? I then discuss the significance of the rights-based approach in Latin America and offer reasoning for why this region has been particularly welcoming for the approach. In the following sections, I flesh out the practical, on-the-ground use of the rights-based approach by Plan and Puntos in terms of planning, implementation and impact. I then discuss the conclusions that may be

drawn from the comparison of the two rights-based approaches in Latin America. Finally, I surmise what implications it has for the future of the rights-based approach.

I found Plan and Puntos' rights-based approaches to be fundamentally different, each organization interpreting the meaning of the rights-based approach in unique ways. Where Plan aims to improve the provision of services by state institutions to community members, Puntos aims to change the social context of rights within the greater women's and youth movements. Plan perceives its role as a contractual partner, while Puntos perceives its role as a leader in changing attitudes, perceptions and unequal power relations. Each approach came with its own advantages and challenges. A comparison of the two rights-based approaches suggests that the question is not: Does the rights-based approach work? but, rather: *Which* rights-based approach works? Furthermore, the definition of "works" is interpreted very differently by Plan and Puntos. For this reason, the two organizations serve as fitting case studies in an analysis of the potential of the rights-based approach to add value and meaning to development work.

II. The Evolution of Human Rights and Development

    a. Human Rights

Today, the concept of human rights, or a set of rights guaranteed to all human beings by virtue of their humanity, abound in international law as well as regional and national legal systems. According to the modern human rights framework, human rights are rights inherent to all people regardless of nationality, place of residence, sex, ethnicity, religion, language or any other status. These rights include civil, political, social, economic and cultural rights, all of which allow human beings to enjoy lives free of violence, oppression and injustice. These guarantees create both rights for individuals and duties to protect those rights for the state parties of human rights treaties.

Although the international human rights framework did not gain traction until well into the twentieth century, the antecedents of the human rights movement may be said to date back to eighteenth century with the theories of natural rights. Natural rights, developed by seventeenth and eighteenth century Western philosophers, conceptualize certain universal freedoms guaranteed to individuals solely by nature of their humanity. According to natural rights theorists, these inalienable rights must be respected regardless of the laws, customs, or beliefs of any governing entity or culture. These ideals were central motives of the American and French revolutions, as revolutionaries believed the monarchies violated their natural rights (Uvin, 2004, p. 9-10).

For the next few hundred years, remnants of these ideas fueled rights movements around the world as the budding human rights movement began to blossom. Starting in Europe in the late eighteenth century, rights as a concept and claim gained increasing political, social and philosophical importance. Philosophers began criticizing the intolerance and abuses of power by the church

and state. Movements emerged that demanded the freedom of religion, the right to own property and universal suffrage. Documents such as the United States Constitution in 1787, the French Declaration on the Rights of Man and of the Citizen in 1789 and the first Geneva Convention in 1864 became written precursors to modern human rights documents. Throughout the nineteenth century, widespread anti-slavery movements proliferated throughout Europe and spread to the Americas. The industrial revolution in Europe in the mid-nineteenth century soon brought the rights of workers to the forefront. In the 1940s, the rights of women became an important social issue in the United States following their efforts during the World Wars. In addition, the post-WWII struggles to recognize civil rights for minority groups also called for the recognition of human rights on a universal scale. Each of these movements demonstrates the underpinnings of human rights throughout important social, political and cultural movements of the last 300 years.

However, it was not until 1948 that the international community came together to consider the meaning of "humanity" and the rights and freedoms guaranteed to all people. On December 10, 1948, the General Assembly of the newly formed United Nations adopted the UDHR, a foundational document outlining several fundamental rights and freedoms to be guaranteed to all human beings.[1] This declaration prohibited discrimination and outlined the basic freedoms including the right to life, liberty and security of person; political and

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[1] http://www.un.org/en/documents/index/shtml

civil rights; economic social and cultural rights; the right to recognition before the law; freedom from slavery and servitude; freedom from torture; and the right to

thought, religion, expression and assembly. This marked the first time in history that the international community had ever agreed upon a set of universal rights for all of humanity. Today, the 1948 UDHR remains the cornerstone of all human rights law.

As groundbreaking as the Declaration was, however, it was just that: a declaration. It did not bind any state or institution to abide by its assertions. Still, the Declaration is considered a universal agreement on human rights and has inspired numerous national, regional and international legal instruments. Since 1948, the United Nations has made several attempts to solidify the legal basis of the Declaration. In 1966, the United Nations adopted two covenants: one on civil and political rights and one on economic, social and cultural rights (Audiovisual Library of International Law, 2008). These dual documents solidified many rights outlined in the Declaration, legally binding all countries that ratified the covenants. The Declaration and the two covenants are considered the International Bill of Human Rights. In the coming decades, a complex framework of human rights organizations, international treaties, scholarly discourse and legal disputes emerged around this set of internationally proposed and partially accepted rights. States signed and ratified several international treaties designed to protect human rights including the Convention on the Elimination of All Forms of Discrimination Against Women (1979), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the Convention on the Rights of the Child (1989) and the Convention on the Rights of Indigenous Peoples (2007) (Audiovisual Library of International Law, 2008). The United Nations maintains treaty-based committees to monitor states' compliance with

internationally agreed upon human rights standards (UNHCHR, 2012). In addition, over 100 human rights instruments exist in the international sphere today, all championing the freedoms initially agreed upon in 1948 (United Nations, 2008).

    b. Human Rights and Development

In the 1990s, many scholars and practitioners began to recognize the pertinence of human rights to development work. Although the two fields seem to constitute different paths to the same end result, the interplay between rights and development has become an important research topic. However, the connection remains newly explored territory. The two ideologies developed around the same time but only came together in recent years. Human rights discourse remained largely detached from the development field throughout its growth beginning in the mid-twentieth century.

The concept of "development," defined loosely as the improvement of the social, economic or political well being of a group of people, certainly did not constitute a "new" idea by the mid-twentieth century. In the 1940s, however, the attitude towards development and its meaning in the global sphere changed. Before the mid-twentieth century, there existed the rationale that "some countries were rich, and some were poor; that was a simple fact of life" (Uvin, 2004, p. 12) Disparate levels of income and standards of living were perceived simply as the results of different resource endowments, trade opportunities and class development, and they were not matters of urgent concern. In fact, many assumed the gap would be filled gradually only after a slow transition to "Western"

processes (Uvin, 2004, p. 12). The international community did not consider the possibility of intervention in these differences or their consequences until the late 1940s. Perhaps as a result of the atrocities of committed during the two World Wars, development became an important issue on the international agenda. The reconstruction of Europe after World War II, especially, brought particular emphasis on the idea of a collective effort to promote a greater quality of life for people around the world. Throughout this period of reconstruction, many development institutions and policies developed advocating foreign aid, governance, healthcare, education, poverty reduction, gender equality, disaster preparedness and other improvements in Third World decolonized countries. During this time period, the development enterprise began its ascent to the complex, influential system it is today. By the rapid independence movements of the1960s, non-governmental organizations (NGOs) had already begun to orient their mission statements around the "development" agenda (Uvin, 2004, p. 12). National governments began investing in development programs and foreign aid. Multilateral organizations and bilateral agencies formed around the common goal of development.

Therefore, alongside human rights, the concept of development entered the consciousness of the global community during the era of post-WWII reconstruction. Although the two complementary ideologies emerged around the same time, they diverged in their advancement. During their evolution throughout the latter part of the twentieth century, human rights and development did not interact on a professional and academic scale (Hickey & Mitlin, 2009, p. 11). According to Uvin (2004), the development enterprise lived in "splendid isolation"

from the human rights world until recently (p. 1). Likewise, human rights advocates left matters of development, community progress and social equity largely untouched. This tendency continued well into the 1990s. By 1995, rights had proliferated in international law and the discourse of the specialized NGOs. However, by the end of the decade, development practitioners were just beginning to consider human rights to be part of their professional domain and interaction between human rights and development systems remained sparse. This divide prompted the organizers of a UN-sponsored 1999 conference on nutrition and human rights to state that "the human rights approach to nutrition is not even on the radar screen" and that "interaction between the [UN human rights machinery] and the UN development agencies has been essentially non-existent" (as cited in Uvin, 2002). It was not until the mid-2000s that human rights discourse breached the boundaries of development organizations (Hickey & Mitlin, 2009, p. 3).

Today, however, many scholars and practitioners with an understanding of human rights recognize the pertinence of development ideology to its discourse, and vice versa. Human rights contend that all individuals, solely by reason of their humanity, possess inalienable rights that grant them the rights to life, liberty and dignity. By nature, human rights champion the endowment of liberties specifically to the underserved, the overlooked and the marginalized. Development organizations concern themselves directly with the specific manifestations of these rights, such as the right to health, food, education, equality, security of person and freedom of expression. Consequently, human rights language abounds in the mission statements, promotional material and programming of development organizations.

Today, scholars and practitioners continue to grapple with the connection between human rights and development. The growing interaction of human rights and development since the 1990s may be characterized by several trends. Scholars and practitioners have identified three primary fronts for the deeper relationship between human rights and development (Dorsey & Nelson, 2003, p. 2013-2015). First, rights and development organizations have begun to collaborate on campaigning for the improvement of global standards of living. Second, human rights organizations have begun to incorporate economic viewpoints throughout their discourse and practice. However, the third and most dominant trend remains the rights-based approach to development. The rights-based approach, or the incorporation of human rights into development planning, programming and evaluation, constitutes the focus of this analysis. With the antecedents of both the human rights and development systems in mind, the definition of the rights-based approach and its meaning within the human rights and development contexts may be better understood.

III. Defining the Rights-Based Approach

Upon an examination of the two fields concurrently, the intermingling of human rights and development may seem redundant. In fact, when the rights-based approach to development began to emerge as a competent system, many aid organizations claimed they had been advocating human rights in their work all along. The United Nations Development Program (1998) stated in a policy report outlining its commitment to incorporating human rights into programming that it "already plays an important role in the protection and promotion of human rights…the program [itself] is an application of the right to development" (UNDP,

1998). In addition, Frankovitz (as cited in Uvin, 2004) stated, "Beginning with the World Bank's statement at the 1993 Conference on Human Rights in Vienna…the claim is made that all development assistance contributes to economic and social rights" (p. 50-51).

Thus, the pertinence of human rights to development work on a fundamental level remains widely understood. However, the contemporary rights-based approach to development extends beyond the rhetorical realm of discourse and policy statements. Today, the rights-based approach has evolved to become a recognized system for achieving goals in the development community. Practitioners have moved beyond the pertinence of human rights to their work and conceptualized a new vision for development, reframing strategies and objectives in human rights terms. In the most basic sense, aid organizations have begun to orient development programming around the fulfillment of human rights outlined in international customs and conventions as well as national and regional law. The activities that promote and protect these rights in the development field constitute the rights-based approach.

The ways in which various bilateral and multilateral organizations elect to implement the rights-based approach vary greatly across organizational and global lines. It is important to note that there is no one single rights-based approach to development. Rather, there are many different rights-based approaches to development from which several common elements have been discerned. The singular phrase "the rights-based approach" refers to the collection of converging types of rights-based approaches. For this reason, there is no universally agreed upon definition of the rights-based approach. However, several

trends emerge that can help construct a cursory definition of the rights-based approach. First and foremost, the rights-based approach focuses on the attainment of the minimum conditions required for living with dignity. Nearly all the rights-based approach activities promote this fundamental mantra. Academic and development literature predominantly defines the rights-based approach based on legal, socioeconomic or political perspectives. These definitions maintain their credibility and authority from national and international legal standards that recognize human rights. The following sections describe the patterns and common elements that have emerged. Most rights-based approaches implemented by development organizations around the world dabble in one or more of these principles.

a. Rights Holders and Duty Bearers

The rights-based approach is fundamentally based on the belief that each and every human being, by virtue of being a human being, holds certain rights. Rights, by nature, entail an obligation on the part of governments to respect, promote and protect certain freedoms. The rights-based approach to development is based on this framework of rights and obligations between citizens, i.e. rights holders, and governments and other institutions responsible for upholding rights, i.e. duty bearers. In May 2003, the United Nations Development Programme issued a statement explaining:

> "In a human rights-based approach, human rights determine the relationship between individuals and groups with valid claims (rights holders) and state and non-state actors with correlative obligations (duty bearers)" (UNDG, 2003).

Therefore, a relationship between rights holders and duty bearers exists based on fundamental human rights and freedoms. According to Uvin (2004), a rights-based approach means foremost to talk about this relationship between a state and its citizens" (p. 52). The rights-based approach focuses development work on strengthening the capacities of rights holders to make their claims and, dually, strengthening the capacities of duty bearers to meet their obligations of fulfilling rights (Duvvury & Kapur, 2006). Using the rights-based approach, development organizations work to strengthen the relationship between rights holders and duty bearers. Development organizations cultivate and utilize this relationship to ensure that rights holders enjoy the full range of universal, indivisible and interrelated human rights guaranteed to them.

b. Accountability and the Rule of Law

By identifying rights holders and duty bearers, the rights-based approach provides a framework for holding governments and non-state actors accountable for their commitments to human rights. Therefore, accountability through the rule of law constitutes another essential component of the rights-based approach. The rights-based approach grounds development work in the framework of human rights established by international customs and conventions. This provides development work with a stronger link to the legal profession, thereby giving organizations legal authority to ensure that states and non-state actors adhere to their human rights obligations (Hickey & Mitlin, 2009, p. 8). In other words, development becomes more than morally appealing; it gains the force of the rule of law. According to Hickey & Mitlin (2009), "Human rights law may be

described as legitimate because it has been signed and ratified by governments…It therefore has legal authority" (p. 27).

How do development organizations utilize the rule of law to hold duty bearers accountable? According to the Office of the United Nations High Commissioner for Human Rights (UNHCHR), the rights-based approach ensures accountability by first identifying specific obstacles duty bearers face in fulfilling their rights obligations. However, for accountability to be upheld, it must be demanded. Therefore, the rights-based approach also requires an analysis of the capacities of rights holders to claim their rights, especially the poorest and most marginalized populations (UNHCHR, 2006). The rights-based approach addresses both "positive" obligations (to recognize, promote and protect rights) and "negative obligations" (to abstain from rights violations) (Duvvury & Kapur, 2006, p. 8). According to Duvvury & Kapur (2006), the rights-based approach also provides for:

> "…the development of adequate laws, policies, institutions, administrative procedures, practices and mechanisms for redress and accountability that can ensure the realization of entitlements and respond to the violation of rights" (p. 8).

The development of this system "translates" universal standards into local measures for ensuring accountability. Where duty bearers fail to respect, promote and protect rights, rights holders are entitled to institute proceedings for redress before a competent court or other adjudicator in accordance with the law (UNDG, 2003).

    c. Participation and Inclusion

Participation constitutes a goal, as well as a means, for development and the fulfillment of rights. This component of the rights-based approach means ensuring that stakeholders have genuine ownership and control over the development process (UNHCHR, 2006). The United Nations Declaration on the Right to Development states that participation must be "active, free and meaningful" (UNDRD, 1986). According to Duvvury & Kapur (2006), the rights-based approach emphasizes access for rights holders to development processes, institutions, information and mechanisms (p. 8). Rather than "quick fixes," the rights-based approach advocates long-term, specialized processes for producing sustainable development results. To gain a localized perspective, rights holders and duty bearers must participate and be included in the development process. The goal is to create a sense of ownership of development strategies and empowerment for rights holders struggling to claim their rights.

d. Equality and Non-Discrimination

According to Article 2 of the UDHR, all human beings are entitled to the rights enshrined in human rights law "without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (UDHR, 1948). Unfortunately, many minority groups around the world face marginalization and exclusion from their communities. It is widely known that poverty is a result of such disempowerment and exclusion. Vulnerable groups such as women, ethnic minorities and indigenous groups tend to be barred from enjoying the civil, political, economic, social and cultural rights guaranteed to them. Consequently, a fourth feature of the

rights-based approach is an emphasis on issues of vulnerability, marginalization,

discrimination and equality in development work (Duvvury & Kapur, 2006, p. 8).

The rights-based approach focuses on groups that are excluded from obtaining the

resources, assets and opportunities necessary for living with dignity. Often

development practitioners may add up overall progress, overlooking minority

groups that have not benefitted. The rights-based approach requires policymakers

to ask, "Who has not benefitted? Who has been forgotten?" (Hickey & Mitlin,

2009, p. 29). Often the answer is the poorest, the marginalized, the oppressed and

the least resourced groups in a community. Uvin (2004) stated the rights-based

approach should be about

> promoting human dignity through the development of claims that seek to
> empower excluded groups and that seek to create socially guaranteed
> improvements in policy (including but not limited to legal frameworks).
> (Uvin, 2004, p. 163).

It is, in fact, the universality of human rights that remain central to their

appeal, credibility and authority in development work. According to Hickey &

Mitlin (2006), if development is about power, rights are a way of addressing

structural change, power inequalities and protecting the poor (p. 9). For this

reason, the rights-based approach involves exposing and eliminating the roots of

vulnerability and marginalization.

In sum, the rights-based approach has developed out of the realization that

human rights may have particular relevance and value in the field of development

work. The rights-based approach involved reframing the language, objectives and

strategies of development work in human rights terms according to regional,

national and international human rights law. Although there exist many different

methods and strategies of the rights-based approach, several common trends emerge. Rights holders and duty bearers constitute the framework by which practitioners interact with communities. In addition, the rights-based approach emphasizes accountability through the rule of law, participation and inclusion of beneficiaries and a focus on the most vulnerable, marginalized populations in a community.

IV. The Value-Added

The generally accepted principles of the rights-based approach undoubtedly bring new issues, language and frameworks to the development field. However, many scholars and practitioners argue that the rights-based approach also adds a dimension of legitimacy, legality and credibility to development work. Proponents of the rights-based approach argue that as development organizations shift from their role as substitutes for absent government services to that of advocates for human rights, the rights-based approach contributes to better, more effective development processes. This argument, referred to as the "value added," constitutes the strongest argument in favor of the rights-based approach (Duvvury & Kapur, 2006, p. 16). According to Gready (2008), the rights-based approach has added and could add real value to development work (p. 11). Indeed, the potential advantages for re-framing development work in human rights terms have been well discussed. In addition, some initial evaluations demonstrate the potential impact of the rights-based approach. However, it remains to be seen

whether the rights-based approach can verifiably fulfill its potential to achieve development outcomes. Not until the rights-based approach matures and is evaluated meaningfully will we be able to understand the "value" it adds to the development field. Nevertheless, many aspects of the rights-based approach hold true promise for addressing the root causes of enduring poverty. The most promising components of the "value added" argument are described below.

a. Reinvigoration of the Legitimacy of Development

It is perhaps no coincidence that the rights-based approach proliferated around the time that aid programs faced increasing scrutiny regarding perceived past "failures" to eradicate poverty. This scrutiny, in combination with the shift of resources to non-governmental organizations and the success of the global human rights agenda since the 1970s signified an appropriately timed entrance for the rights-based approach to development (as cited in Schmitz, 2011). With development organization seeking additional means of justifying funding and legitimizing programs, the rights-based approach emerged as a way to address some of these concerns.

The foundation of the legitimacy of the rights-based approach lies in its connection to universally recognized standards. According to Schmitz (2011), the reframing of development work in human rights terms adds legitimacy by aligning development efforts with internationally recognized norms (p. 1). National and international human rights elucidate development work by defining rights such as the right to healthcare, education, property, food, water and justice.

Rather than basing development on vague moral standards, the rights-based approach provides clear, universally recognized standards from which to justify and defend development efforts. Hickey & Mitlin (2009) state human rights law can be described as legitimate because it has been signed and ratified by governments yet remains independent of the interests of any single government (p. 27). Furthermore, Gready (2008) contends, "Under this guise, poverty is neither natural nor inevitable but becomes something done to people, for whom certain actors bear responsibility" (p. 8). It may be said of poverty, then, "it is not what they are, but what they have been made" (as cited in Gready, 2008). Consequently, development work becomes rights-based advocacy, rather than charity. Where beneficiaries were once passive recipients of aid, they are transformed into informed rights-holders. Where aid organizations were once external service providers, they become advocates mobilizing civil society, interacting with governments and facilitating the legal system. As donors and NGO watchdogs increasingly demand results for their investments, this legitimacy, arguably, adds value to the development community.

b. Legal Basis

In conjunction with the legitimacy clause, the rights-based approach also adds value to development work by reinforcing its legality. According to Gready (2008), the rights-based approach reframes human rights as an entitlement secured through a political and legal contract with the state (p. 3). This places the state and other duty bearers at the center of the development process. The rights-based approach adds value by establishing the appropriate role of the state in the

development process. The role of the state as having responsibility for development outcomes remains a central tenet of the rights-based approach.

When the state does not meet its obligations, the rights-based approach advocates the direct, indirect and strategic use of the law (Gready, 2008, p. 6). The law may be used directly, for example, when development practitioners play an active role in law making and implementation. For example, practitioners may establish policies and conditions for the enjoyment of rights such as access to land and water, educational opportunities, laws that end discriminatory practices, etc. In addition, individuals and organizations may bring cases to court when economic and social rights go unfulfilled. Human rights entrenched in international customs and conventions also contribute indirectly by advising development principles and advocacy efforts. For example, the United Nations Development Programme facilitated the incorporation of international standards on civil and criminal justice into the national legal systems of El Salvador and Colombia (UNDP, 2004). The rights-based approach also advocates a strategic use of the law to help achieve development outcomes. Gready (2008) claims that justice is a social process that utilizes formal and informal mechanisms (p. 5). Seeking justice, then, requires an exploration of how people perceive, use and engage with the law. Public opinion and beliefs about the law become important. All people, especially vulnerable and marginalized populations, must have access to justice and maintain an empowered relationship with the law. One way the United Nations Development Programme (UNDP) worked to ensure this relationship was by establishing Defensorías Indígenas, an organization providing legal assistance to indigenous groups in Guatemala (UNDP, 2004). Of course, the

legal innovation behind the rights-based approach certainly continues to mature. Uvin (2001) claims changes in discourse still have real impact by redefining acceptable actions, changing incentive structures and influencing people's expectations (p. 51). In short, the rights-based approach recognizes the connection between access to legal remedies and poverty. It adds value by promoting the use of legal protection, enforcement, counsel and adjudication to ensure rights are fulfilled by duty bearers. This added dimension brings development organizations further from their traditional role as service providers and pivots them into an advocacy role for human rights.

    c. Enhanced Accountability

The legal force contributed by the rights-based approach bears, logically, another "value-added" component: enhanced accountability. First, the identification of rights holders and duty bearers definitively assigns accountability to certain actors in the development process. This establishment of responsibility, in itself, sets a framework for holding duty bearers accountable for the protection, promotion and fulfillment of human rights. Mary Robinson, the United Nations High Commissioner for Human Rights from 1997-2002 stated at the 2002 World Summit on Sustainable Development, "A human rights approach adds value because it provides a normative framework of obligations that has legal power to render governments accountable" (as cited in Duvvury & Kapur, 2006, p. 7). Thus, the rights-based approach adds value by encouraging development organizations to hold duty bearers accountable for rights violations, rather than tending solely to the effects. Many scholars and practitioners argue this emerging sense of

responsibility can make a meaningful and vital contribution to the development field.

According to Hickey & Mitlin (2009), the ability of poorer countries to absorb and manage larger flows of resources effectively remains a major obstacle in the fight against poverty. Overcoming this obstacle requires accountable financial and governance institutions that are "rooted in societies and earned their legitimacy" (p. 26-29). The UNHCHR (2006) states:

> A human rights-based approach helps to formulate policy, legislation, regulations and budgets that clearly determine the particular human right(s) to be addressed - what must be done and to what standard, who is accountable - and ensures the availability of needed capacities (p. 17)

Therefore, the rights-based approach provides a framework of mechanisms for transparency and accountability for more effective governance. In addition, principles of the rights-based approach - inclusiveness, non-discrimination, communication of information, equality, increased knowledge and skills, participation - all lead to the improved performance of government institutions (Hickey & Mitlin, 2009, p. 26-29). In sum, the rights-based approach puts pressure on government to be accountable for their rights obligations and they do so legitimately since states have signed and agreed to the international treaties and norms they cite.

d. Re-politicizing of Development: Participation and Empowerment

The preceding arguments expose the trend of a re-politicization of development work that often results from the rights-based approach. The role of development organizations as advocates for accountability, participation, inclusion, equality and other tenets of the rights-based approach undoubtedly

necessitate a certain degree of political action. The rights-based approach

provides an opportunity to re-politicize development concepts, most notably

participation. Thus, the rights-based approach adds value by extending the role of

beneficiaries beyond the traditional needs assessment to that of active

stakeholders. Relationships with beneficiaries are re-forged as they are included

in all phases of the development process. For instance, development organizations

may involve beneficiaries in programs rather than short-term projects, staff

recruitment and decision-making processes (Gready, 2008, p. 9). This

involvement, of course, does not remain politically neutral. According to Gready,

if certain individuals or groups are empowered to assess their needs and create

solutions, the power of others is diminished (p. 9). The very nature of human

rights responsibilities, after all, constitutes a deeply political matter.

Human rights may be well established and indivisible, but their meaning

within any society at any given time changes and evolves over time. Duvvury and

Kapur (2006) contend:

> The social conditions that enable or prevent access to and enjoyment of
> rights are subject to a constant process of negotiation and struggle and are
> influenced by caste, class, gender, ethnicity and other factors. The constant
> process of negotiating for greater access, decision-making and control is
> part of an ever-evolving sense of empowerment. (p. 18)

Connected in this way, participation and empowerment could be said to

"expand and deepen democratic spaces" (as cited in Gready, 2008, p. 9). These

strategies associated with rights-based approach build on political and democratic

legitimacy. Hickey and Mitlin (2009) call this legitimacy a "priceless commodity"

for sustainable solutions to poverty (p. 29). Whether beneficiaries participate in

development organizations, engage in political activism or take part in civil

society, a re-politicization of development occurs. The rights-based approach is linked to rather than from divorced from the broader political picture (Gready, 2008, p. 10). Thus, the rights-based approach adds value by promoting political action and participation, which works to empower rights holders to assert their own rights.

e. A More Holistic, Sustainable Approach

If not evident already, the rights-based approach calls for a complete reformulation of the meaning of development. It goes beyond the roles of aid organizations, governments and beneficiaries and changes the very foundation of development work. Rather than understanding development work as charity or good will, the rights-based approach employs a more holistic lens for analyzing development efforts. It repositions development within the broader struggle for justice (Hickey & Mitlin, 2009, p. 212). In this struggle, poverty is understood as a symptom of deeply rooted or structural discrimination, exclusion and unequal power relations. Beneficiaries are seen as rights holders rather than service recipients. The response then shifts from charity to structural change (Uvin, 2001, p. 129).

Traditionally, outcome standards have focused on income-related and other economic indicators such as GNP, GDP and growth rates. The rights-based approach undermines the meaningfulness of these aggregate indicators. Such indicators only take income and overall production into consideration. By ignoring issues such as equality, discrimination and exclusion, they do not paint a true picture of the poverty situation in a country. For example, a GNP increase

may mean that a few people are getting richer, but this does not reflect the fact that the majority of people still live in persistent poverty. The rights-based approach recognizes these weaknesses and promotes other methods for evaluating development work.

Moreover, the rights-based approach advocates a causal analysis for addressing persistent poverty. It seeks to redefine poverty as the result of systematic rights violations. For instance, "problems" such as contaminated water or malnutrition are reanalyzed as "violations" that need not be tolerated (as cited in Uvin, 2001, p. 130). As a result of this reframing, many scholars and practitioners argue the rights-based approach provides for more effective, sustainable development work. The rights-based approach addresses the root causes rather than the symptoms of poverty and conflict. By attacking these underlying causes, many scholars and practitioners believe the rights-based approach will yield more sustainable results. Specifically, by strengthening the capacity of rights holders and duty bearers, development organizations render societies better able to assert and fulfill rights claims on their own. This independence, in turn, could help reverse the repetitive cycles of poverty and rights violations around the world.

Since the 1990s, the rights-based approach has received considerable praise from the international community. However, it remains to be seen whether the rights-based approach to development lives up to its lofty potential. The theory as well as the practical application of the approach have only just begun to develop in the past few decades. Nonetheless, scholars and practitioners have

begun to compare the effectiveness of the rights-based approach across international borders and cultural lines. They ask: Is the rights-based approach more successful in one part of the world than another?

Many researchers say yes; they believe the rights-based approach has proven particularly fruitful in Latin America. For a wide variety of historical, institutional and cultural reasons, the rights-based approach appears to have gained the most momentum in this region. Delving further into the practical, on-the-ground use of the rights-based approach, we will focus particularly on how the rights-based approach operates within the Latin American context.

V. Latin America: Fertile Ground for Rights Language

Latin America in the 1990s offered a favorable environment for the proliferation of the rights-based approach throughout the region. The 1980s heralded an era of re-democratization for Latin American states along with formerly Soviet blocs after the Cold War. More than half of the countries in Latin America underwent a restoration of democracy during this time, including Brazil, Chile and other nations of the Southern Cone (Molyneux and Lazar, 2003, p. 31). Public officials asserted their commitments to enhanced accountability, efficiency, representation and other institutional standards associated with the rights-based approach. Newly elected governments promised to halt the impunity enjoyed by their predecessors. Emerging from authoritarian rule, Latin American citizens viewed these standards as methods for strengthening democratic processes. In addition, ideals that initially sparked the revolutions - that people have rights as well as the capacity to act upon them when they are violated - demonstrate the longstanding commitment of Latin America to rights norms, if not unknowingly.

Indeed, if the political transitions of the 1980s did not provide the ingredients for a well-received rights-based approach to development, Latin America's longstanding tradition for rights claims surely did. The modern history of Latin America abounds with civil society revolutions championing the fulfillment of constitutional rights. Hickey and Mitlin (2009) note the values of liberalism and democracy were "the dominant cultural referents for much of the continent's modern history" (p. 36). Molyneux and Lazar (2003) point out that "poor peasants, indigenous people and slaves" began taking their superiors to court in Latin America as early as the colonial period (p. 34). In the twentieth century, traditionally marginalized and oppressed groups gained momentum in

asserting their rights. Women in Argentina and Chile demanded justice for the *desaparecidos*, or missing children abducted or illegally obtained by the government in the late 1970s, and challenged governments to live up to their signatory obligations in UN treaties. Many indigenous organizations formed during this period as well, specifically in Ecuador, Colombia, Bolivia and Mexico (Molyneux and Lazar, 2003, p. 32-33). In the 1980s and 1990s, these pro-democracy indigenous organizations gained an international presence by participating in global conferences such as the 1992 Rio Earth Summit. Warren (1998) argues a "Pan-Mayanism" emerged in the 1980s and 1990s (p. 1). During this time period, indigenous people made significant cultural and political contributions in post-conflict regions of Latin America. Constitutional reform and international jurisprudence accompanied this mobilization, prompting further recognition of human rights for minorities throughout the 1990s and 2000s.

However, neither post-colonial constitutions nor international conventions guaranteed the protection of rights for all people in Latin America. Since the restoration of civilian rule, sharp divisions between political and economic elites have characterized the region. While civil and political rights proliferated, minorities still face obstacles to the enjoyment of rights, such as social standings and educational backgrounds. Moreover, the added emphasis on civil and political rights following the authoritarian regimes in Latin America overshadowed claims for economic and social rights. Molyneux and Lazar (2003) cite Silvia, a feminist campaigner in Bolivia, who states, "Latin American development advocates had always highlighted rights, but the stress on socioeconomic rights gave way during the dictatorships to a stress on civil and political rights" (p. 35). According to

Molyneux and Lazar (2003), however, the 1990s saw a reinvigoration of social and economic rights, which perhaps resulted from growing concerns over poverty and an emphasis on the indivisibility of rights at the Vienna Conference in 1993 (p. 35). In addition, critics questioned whether a focus on civil and political rights with a lack of attention to social and economic rights could improve conditions for those living in extreme poverty. Indeed, although pro-democracy social movements brought rights claims to the forefront, Latin America still had the widest income differentials in the world with high levels of public corruption during this time period (as cited in Molyneux and Lazar, 2003, p. 34).

Therefore, an analysis of the Latin American context reveals an environment with ample rights traditions, values and issues to be resolved. The region proved ripe for rights language to enter the development realm and address otherwise ignored poverty levels. The human rights abuses of military regimes in the 1960s, 1970s and early 1980s as well as UN-backed efforts to seek justice, especially in Argentina, Chile, Peru, Guatemala and El Salvador, helped create this environment. In many cases, truth and reconciliation processes and legal, constitutional and political reforms followed.

Specifically, in Nicaragua and Guatemala, the regional contexts for our case studies, human rights advancements created a favorable environment for the rights-based approach. In the 1990s, Nicaragua began a post-war peace effort, hosting democratic elections and allowing guaranteed participation for opposition parties. The government and then-President Daniel Ortega allowed international observers such as the UN to monitor the electoral process. In the following years, demobilization of the Contras and Sandinista militaries and increased calls for a

stable democracy repositioned rights claims in the Nicaraguan context (Library of Congress, 2010). During the same time period in Guatemala, a1990 election marked the first democratically-elected transition from one civilian government to another. In 1993, the elected Serrano government attempted to restrict civil freedoms, allegedly to fight corruption. However, this backslide in human rights was countered by international pressure and strong protests by Guatemalan society. In 1993, Congress, pursuant to the 1985 Constitution, elected the Human Rights Ombudsman, Ramiro De Leon Carpio to complete Serrano's presidential term. De Leon launched an anti-corruption campaign and a new Congress was elected. With these political conditions, human rights in Guatemala flourished. Brokered by the UN, the Guatemalan government signed human rights agreements throughout the mid-1990s, including a resettlement of displaced persons agreement in June 1994 and an indigenous rights agreement in March 1995 (Guatemala, 2012). In the next few years, peace accords and a reduction of the military in national affairs gave human rights further momentum in Guatemala, culminating around the time the rights-based approach had come to fruition.

Thus, it is no coincidence that when the rights-based approach emerged in the 1990s, it found allies within the Latin American development community. Many NGOs, many of which developed out of pro-democracy social movements themselves, made the logical transition to rights-based work. In addition, citizens, many of which already viewed themselves as "rights holders," allowed for the continued proliferation and success of the rights-based approach throughout Latin America.

By analyzing the rights-based approach in Latin America, the region where it has shown the most promise, its potential as a development strategy can be most effectively evaluated. Following a discussion of the value-added of the rights-based approach as well as the region most receptive to it, we delve into the practical use of the approach. What do NGOs in Latin America actually *do* to adopt the rights-based approach? What does it look like on the ground level? How is its impact evaluated? Despite its maturing state, scholars and practitioners have already begun to analyze how the rights-based approach affects everyday development work. Many researchers argue the rights-based approach changes the ways NGOs operate on several levels. The following sections examine how rights-based approach affects the planning process, implementation stage and bottom-line impact of development work.

Case Studies

To effectively analyze the rights-based approach on these three levels, two contrasting case studies are examined: the use of the rights-based approach by Plan International in Guatemala and Puntos in Nicaragua.

Plan Guatemala

Plan International is one of the oldest and largest child development NGOs. Founded in 1937, Plan aims to achieve lasting improvements in the quality of life for children in developing countries. Plan works in 50 developing countries around the world, 12 of which are in Latin America (Plan International, 2012). In

2003, Plan adopted its own version of the rights-based approach, which they call

the Child Centered Community Development (CCCD) approach. Over the past

ten years, the CCCD approach has been implemented in Plan programming

around the world. In 2005, Plan adopted a rights-based approach in its Guatemala

program (Bruno-van Vijfeijken et. al., 2009, p. 30).

Puntos de Encuentro

Puntos de Encuentro (Meeting Points) is a Nicaraguan feminist

organization originally established in 1989 to coordinate efforts for the women's

movement in Nicaragua. Today, the mission of Puntos is to develop women's

capacities to exercise rights and autonomy in daily life. The organization works to

"promote and defend gender and generational equality, respect for diversity,

rejection of discrimination and violence and relations based on mutual respect"

(Puntos de Encuentro, 2012a). Situated in a residential district of Managua, the

capital of Nicaragua, Puntos works primarily in urban areas to empower women

and develop their physical, economic cultural and political autonomy (Molyneux

and Lazar, 2003, p. 126-127). Although the work of Puntos appears to have

always been associated with rights, the organization did not adopt an explicit

rights-based approach until the early 2000s.

These case studies allow for the study of the challenges of implementing

the rights-based approach in Latin America. The two organizations have

envisioned different rights-based approaches to addressing persistent poverty,

although they both target young people in Latin America. They implement very

different strategies and, thus, encounter a wide variety of issues pertinent to a discussion of the rights-based approach. As a result, a comparison of the two yields insights into the practical implications of the rights-based approach. These case studies are analyzed through the lenses of how the rights-based approach affects the planning, implementation and impact of development work in the following sections.

VI. Planning

      The rights-based approach fundamentally changes the motivation behind development work and, thus, the planning process. In general, NGOs move away from addressing everyday service needs to developing advocacy and empowerment strategies. Several trends demonstrating how the rights-based approach affects the planning stage emerge, which are outlined below.

      a. Situational Analysis

To focus on the rights-based approach's key populations, practitioners must first identify the vulnerable groups that suffer the most from discrimination, exclusion and limited access to resources. According to Schmitz (2011), any rights-based approach typically begins with a situational analysis (p. 8). The goal of the situational analysis is to identify vulnerable populations as well as the causes of their exclusion or marginalization. Practitioners must begin their implementation of the rights-based approach by determining the rights that are fulfilled and unfulfilled based on gaps in service provision or access to resources (Nelson and Dorsey, 2003, p. 2017). This way, NGOs can allocate funding and programming towards addressing those gaps.

NGOs must also pay particular attention to the context of their interventions throughout the planning process. Duvvury and Kapur (2009) argue NGOs need to identify key issues that will affect advocacy efforts, examine social and cultural norms that can affect the realization of rights and understand the meaning of rights from the perspective of rights holders and duty bearers (p. 10). Whether working with women, children, indigenous people or other groups, NGOs must adapt to the context in which the rights holders live. For instance, development practitioners need to consider how interplays of class, gender, age, race, religion and other factors affect the realization of rights within a community. Proponents of the rights-based approach contend these planning strategies remain crucial to program success.

Plan Guatemala's situational analysis isolated several issues and opportunities affecting the fulfillment of rights in Guatemala. First, Guatemala's high level of inequality and stunted development progress indicate issues of

exclusion and marginalization in the country. Guatemala ranked 78th on the World Bank Indicators Database for GDP in 2010 (World Bank, 2010) and 131st on the United Nation Development Program Human Development Indicators rankings in 2011 (UNDP, 2011). These statistics show Guatemala's aggregate economic indicators may be improving, but clearly not all groups are benefitting from such development. Secondly, the country's violent history has created a lack of trust in political institutions and democracy. The civil war in Guatemala officially ended in 1996, little more than a decade before Plan's adoption of a rights-based approach in Guatemala. Despite this skepticism, Guatemala maintains a strong legal framework grounded in human rights ideals. The Guatemalan constitutions of 1985 and 1993 guarantee the rights to free education, health services, food, security and other basic needs. However, these rights remain far from fulfilled. The central government lacks the capacity to provide these constitutionally guaranteed services (Bruno-van Vijfeijken et. al., 2009, p.).

Contending with these issues, Plan focuses its rights-based approach on engaging with local communities and government institutions. After years of civil strife and authoritarian rule, Plan opts to take a non-violent, non-confrontational approach. Plan designs programs to affect the attitudes and behaviors of rights holders and to support government programming. Specifically, Plan aims to extend government services to rural and excluded populations. In this sense, Plan focuses on bottom-up community development to address inequality, exclusion and other root causes of poverty in Guatemala.

Likewise, Puntos conducted a situational analysis to identify appropriate strategies for the rights context in Nicaragua. Since the fall of the Sandinista

regime in the 1990s, the women's movement in Nicaragua has faced significant

hardships in the struggle for rights. The Sandinistas had provided considerable

support for the women's movement through the Luisa Amanda Espinosa

Association of Nicaraguan Women party organization. Many people received

training and gained rights experience that was later transferred to the NGO sector

(Molyneux and Lazar, 2003, p. 126-127). However, as Molyneux and Lazar

(2003) note, the women's movement eventually became disillusioned with the

failure of the Sandinista revolution to live up to its promises for gender equality (p.

127).

Furthermore, Nicaragua faced economic difficulty in the 1990s as a result

of the policies of the Sandinista government, which were constrained in large part

by the U.S. government policies. Although Nicaragua's GDP climbed throughout

the 1990s, from around $1 billion (1990) to $3.19 billion (1995) to $3.94 billion

(2000), Nicaragua struggled to recover from the economic disparity left by the

Sandinista government ("World Development Indicators," 2012). Today, the

Nicaraguan government largely depends on foreign aid (Molyneux and Lazar,

2003, p. 127). The economic policies of the Sandinista government as well as the

war against the U.S.-sponsored Contras resulted in a highly politicized situation.

For Puntos, remnants of this political environment constitute the context for much

of its rights work.

b. Political Explanation of Poverty

The rights-based approach first and foremost affects planning by

providing a political explanation of poverty. From a rights-based perspective, the

central underlying causes for persistent poverty are not only economic, but man-made and political in nature (Gneiting, 2011, p. 4). Thus, the solution to these underlying causes should contain a political component as well. Certain rights-based strategies compel NGOs to "take sides." To challenge inequality, exclusiveness and unequal power relations, development organizations must ensure "some voices are louder and listened to more clearly than others" (Hickey and Mitlin, 2009, p. 218).

However, Plan Guatemala elects not to "take sides" in implementing its version of the rights-based approach. Plan Guatemala remains primarily committed to neutrality within the community. Although the organization takes on a more challenging and, arguably, political role by interacting with the central government, this role remains largely non-confrontational and non-controversial. Rather than pressure government institutions for the fulfillment of rights, Plan enables the government to extend its efforts in the most excluded and neglected rural communities. It maintains agreements with the ministries of health and education, for example, and provides technical expertise and temporary financing to these institutions (Bruno-van Vijfeijken et. al., 2009, p. 17). In this sense, Plan serves primarily as a contractual partner with the government, rather than a politically charged rights advocate. While it constitutes an improvement from Plan's previous child sponsorship, welfare approach, this cooperation does not appear to fulfill the political component associated with the rights-based approach. However, this approach may be viewed as "safer" and perhaps more effective due to the lingering danger of violence in Guatemala. Nonetheless,

unequal power relations between the government and its citizens may remain untouched.

Puntos, however, focuses explicitly on this issue of unequal power relations. Where Plan Guatemala engages primarily with duty bearers in a non-confrontational manner, Puntos engages primarily with rights holders in a more confrontational, political manner. Puntos elects not to work directly with the central government to focus instead on changing the attitudes and beliefs of citizens. Thus, Puntos does not centralize duty bearers such as the state in its efforts as Plan does. According to Molyneux and Lazar (2003), Puntos has found the government to be less than open to its ideas (p. 134). The government maintains a reputation for being inefficient, corrupt and conservative. Practitioners at Puntos work to influence public opinion and policies, but do so by engaging with the general public, especially young people, rather than pressuring the government directly (Molyneux and Lazar, 2003, p. 134).

In addition, Puntos does not take an explicit human rights focus. Human rights emerged as a politically charged concept in Nicaragua throughout the latter part of the twentieth century. Ana Criquillon, director of Puntos, emphasized the impact of Nicaragua's history on how the organization perceives and plans its work. She stated Puntos does not "denounce" rights violations, but rather works to develop "positive proposals for change" (Molyneux and Lazar, 2003, p. 132). Criquillon and other practitioners associate human rights with the condemnations of rights violations under the Somoza dictatorship of the 1960s and 1970s. While other organizations continued the culture of confrontation and denunciation, Puntos distanced itself from this position. They viewed it as an "abdication of

responsibility" where widespread inequality demanded a more "constructive response" (Molyneux and Lazar, 2003, p. 132).

Therefore, Puntos may maintain a more political role by engaging with the civil society, but tends to avoid denunciatory language. While all rights-based approaches remain political in nature, it takes on more political strategies than Plan. Plan conceptualizes itself as a supportive resource base for enhancing the provision of government services. Puntos, however, envisions itself as a leader in addressing unequal power relations and inequality. These fundamental understandings drastically change the implementation and impact of each respective rights-based approach.

     c.   International and Domestic Guarantees of Rights

NGOs often utilize human rights legislation and international protocols to facilitate program design. Human rights customs and conventions provide ethical and efficiency criteria for NGOs. In addition, the enforcement structures that abound in international law, such as committees and national action plans, prove useful for standard setting (Molyneux and Lazar, 2003, p. 45). In this sense, the rights-based approach often involves the exertion of international and domestic guarantees of rights.

Plan aligns its activities loosely with the international human rights framework, specifically the Convention on the Rights of the Child. However, Plan tends to make stronger use of Guatemala's national legal framework. Human rights, viewed as a Western, democratic staple, remain a politically charged concept in Guatemala. Human rights have commonly been associated with

"Western" and "Eurocentric" ideals and been accused for their prescriptive nature for the rest of the world. Critics also point to their perceived potential to undermine sovereignty by imposing foreign values (Hickey and Mitlin, 2009, p. 28). Of course, development work has been criticized for being interventionist and undermining sovereignty for decades. As Uvin (2001) points out, adding human rights to the development agenda could only make that worse (p. 16). For this reason, Plan emphasizes the practical exercise of rights and citizenship rather than formal human rights education and mobilization. Plan primarily uses human rights as a tool for analysis and guide for programming, but does not view the fulfillment of human rights as its core mission (Bruno-van Vijfeijken et. al., 2011, p. 17).

Practitioners at Puntos initially had a negative reaction to the idea of focusing on human rights (as cited in Bradshaw, 2006, p. 1336). Instead, the organization opted to focus on the concept of autonomy. Practitioners defined autonomy as "the right and capacity to act and participate in decisions that affect the person or group, without having to subordinate oneself to the other" (Molyneux and Lazar, 2003, p. 131). However, despite their hesitation, practitioners at Puntos recognized the benefits of incorporating rights into their work. The study conducted by Molyneux and Lazar influenced thinking at the organization by suggesting that the idea of "rights" could be broadened to include rights in daily life, which linked to the notion of autonomy. Practitioners also viewed rights as an "entry point" for building strategic alliances and increasing the legitimacy of their work (Bradshaw, 2006, p. 1337).

Today, Puntos maintains an explicit rights-based approach, which may be attributed partly to the study by Molyneux and Lazar. However, the extent to which practitioners recognize the phrase "rights-based approach" and utilize it on a daily basis remains limited. As Bradshaw (2006) points out, the conceptual entry point of the organization was never rights. Nonetheless, the claim that Puntos's work relates to the "flexible notions" of the rights based approach is not in dispute (p. 1336). Members of the organization can still easily describe the use rights to impact public opinion, challenge unequal power relations and foster social change. However, Puntos focuses on wider collective movements rather than individual human rights claims. Practitioners acknowledge the influence of international and domestic human rights guarantees, but emphasize autonomy over rights. Thus, the example of Puntos demonstrates that an *explicit* rights-based approach is not a necessary condition for utilizing many of its strategies in the planning process.

d. Participation by Rights Holders

Many proponents of the rights-based approach believe the most meaningful contribution of human rights to development is the need for engagement and participation of the poor. Indeed, the participation of rights holders in the development process constitutes a key feature of the rights-based approach. Traditionally, NGOs held the limited view of beneficiaries participating only in the implementation and evaluation stages (Schmitz, 2011, p. 8). However, the rights-based approach calls for the participation of rights holders throughout the entirety of the development process, including the planning stage. Nelson and

Dorsey (2003) argue NGOs must accept and encourage substantial control over the planning and programming processes by rights holders (p. 2017).

Both Plan and Puntos fall short of this contention. Plan considers participation an essential component of its operational work, but fails to allow for this participation in the planning and program design stage. Plan focuses on enhancing the participation of rights holders within their own communities rather than within the organization. Indeed, the participation of children constitutes one of Plan's five strategic principles in Guatemala. Several children's groups have formed in the communities, such as school governments and community youth promoters as a result of Plan's efforts (p. 22). Plan also makes use of participation in some research and diagnostic work. For example, Plan conducted participatory studies investigating issues of child abuse and maltreatment (p. 22). However, this participation was primarily conducted for research purposes. This type of participation did not allow rights holders to have direct influence on Plan's decision-making processes. According to Bruno-van Vijfeijken et. al. (2009), rights holders have not had many opportunities to provide input into what type of programs Plan implements and how they are implemented within their own communities (p. 23). Thus, much room remains for allowing rights holders to participate in the planning and design stages, especially the most vulnerable and marginalized populations. Plan must allow for this participation to most effectively improve the lives of such populations.

Puntos also falls short of allowing the full participation of rights holders in the planning process. Interestingly, the organizational culture of Puntos actively encourages the participation of staff members, but not the rights holders they

serve. In fact, the organization may be characterized by this desire for staff participation (Molyneux and Lazar, 2003, p. 135). It adheres to many internal democracy systems that facilitate the planning and program design processes. Coordination and decision-making occur through three bodies: Coodinación Programática (Program Coordination), Coordinación Atención a Usuari@s (Service to Users Coordination) and the Coordinación Administrativa (Administrative Coordination). However, at the time of the study conducted by Molyneux and Lazar, no rights holders - known as "users" within the organization - were involved in strategic planning meetings. Even within the Coordinación Atención a Usuari@s department, participation remained limited to staff members. No processes for involving users in the planning process were in place. In the 1990s, Puntos took a step in this direction, however. The organization established an affirmative commitment to hire young people under the age of 25. As a result, young people led many of Punto de Encuentro's programs, especially those focused on youth movements in Nicaragua. According to Molyneux and Lazar (2003), this decision impacted the workings of the organizations. For example, these young people helped bring the issue of "adultism" to the forefront. They also helped push other issues of particular concern to Nicaragua's youth up farther on the organizational agenda, such as ethnicity, class and disability. However, the participatory nature of Puntos must extend beyond its own staff members for it to truly embrace the principles of the rights-based approach. The focus on internal democracy mechanisms demonstrates a preliminary commitment to participation. These mechanisms show promise, but must include rights holders in their considerations. Molyneux and Lazar (2003) note practitioners at Puntos have

considered exploring this inclusion in the future, bringing up possibilities such as holding meetings with users during office hours (p. 136). Until these participatory processes are implemented, however, Puntos joins Plan in failing to bring this standard to fruition.

VII. Implementation

Unfortunately, with no agreed upon definition for the rights-based approach, even less information exists to advise NGOs on how to implement its strategies. According to Schmitz (2011), the rights-based approach sets principles, but does not provide a framework for their implementation (p.). As a result, NGOs use many different strategies for carrying out program objectives. Activities ranging from capacity building to lobbying to mobilization all fall under the umbrella of the rights-based approach. However, the practical applications of the rights-based approach fall under three main categories: influencing perceptions and awareness at the individual level; partnership formation and mobilization at the community level; and strategic engagement at the state level. Based on the situational analysis as well as their skills sets and funding opportunities, NGOs often prioritize certain strategies over others. Most NGOs do not try to cover all three levels. Plan, however, represents an exception to this trend. Plan's rights-based approach attempts to cover all three levels. Puntos, on the other hand, focuses more exclusively on the individual and civil society level, neglecting the state level altogether. The ways in which Plan and

Puntos implement the rights-based approach on these levels is discussed in the following sections.

a. Influencing Perceptions and Awareness at the Individual Level

On the most basic level, the rights-based approach aims to encourage individuals to assume their rights in a personal, subjective way. In other words, rights holders must be able to "feel" rights in order to demand them. According to Molyneux and Lazar (2003), the discovery of the existence of human rights can be empowering for a number of reasons. Feelings of isolation and powerlessness can be diminished with the realization that others around the world are fighting for the same rights (p. 46). Strategies implemented to foster this awareness include formal human rights education, awareness raising and capacity building. Puntos engages with rights holders at this level more so than Plan Guatemala. Although Puntos has only recently adopted an explicit rights-based approach, its activities focus on raising awareness of issues of unequal power relations, discrimination and inequality, especially as they pertain to gender and generational differences. Plan, on the other hand, less frequently utilizes strategies such as awareness raising and education about issues of human rights and exclusion.

Puntos utilizes various media outlets in their effort to change perceptions and attitudes within the wider social movements in Nicaragua. In reference to the organization's mass communication strategy, it states, "We use 'edu-tainment' and popular education to reach the general population and to encourage reflection and dialogue about the issues and perspective that we promote" (Puntos de

Encuentro, 2012c). The organization's feminist magazine, *La Boletina*, has a print

run of 26,000 editions per trimester, making it the widest circulated magazine in

Nicaragua. The magazine focuses on issues such as homosexuality, male violence,

social justice and equality under the law and is distributed by a network of 280

women's and youth organizations, known as *Las Emboletinadas*. In addition,

Puntos operates a youth radio program, DKY FM, which is produced by a

network of youth correspondents throughout Central America. In the form of

interviews, surveys and discussion forums, the radio programs cover "themes

from daily life through a feminist and anti-adultist perspective," which include

sexuality, violence, relationships, family issues, reproductive rights, popular

culture and the youth movement (Molyneux and Lazar, 2003, p. 128). Members

of the DKY FM radio team also travel around Nicaragua on issue awareness tours.

Through these tours, the team facilitates personal, face-to-face dialogue with their

peers through games, contests and conversations at high schools, parks, public

markets and malls (Puntos de Encuentro, 2012c). Puntos also recognized that

television series and soap operas, widely viewed and discussed throughout Latin

America, represented another medium for fostering social change. The

organization's first program, *Sexto Sentido (Sixth Sense)*, was the first youth soap

opera filmed and produced in Nicaragua. It became the top rated television show

in its timeslot with 70 percent of the viewing audience in Managua in the early

2000s (Molyneux and Lazar, 2003, p. 129). Funded by the United Nations

Development Fund for Women, the program raises awareness of issues such as

domestic violence, emergency contraception, sex, HIV, drugs, racism and family

life. Its second fiction production, *Contracorriente*, follows the struggles of a

working class family, bringing attention to issues such as the sexual exploitation of teenagers, young female labor, sweatshops, religion, money management and sexual identity, among others (Puntos de Encuentro, 2012b).

By facilitating discussion of issues of concern to women and young people, Puntos works to shape opinions and attitudes affecting social movements in Nicaragua. The organization aims to educate, inform and generate discussion around issues of unequal power relations, exclusion and discrimination in an entertaining way that will reach its target audience. Although the organization tends to emphasize autonomy over rights, its strategies nonetheless raise awareness of issues at the basis of rights non-compliance. Rather than generating agreement for rights compliance, Puntos works to change the broader social context in which these rights operate. This focus stems perhaps from the organization's views on the collectivity of rights. Criquillion, founder and former director of Puntos, stated,

> "[…] we don't work very much with women's individual rights. Of course, you defend these rights because collectively you have them. But if a woman comes to the office here and says, 'You know what? They aren't respecting my personal autonomy,' we would probably say, 'Look, that's how it is, it's the same for all of us. What can we do *collectively* to confront this?' We decided to work collectively so that women's rights can become reality, whereas here [in Nicaragua] the defense of human rights is always treated on a case-by-case basis (Molyneux an Lazar, 2003, p. 131).

Criquillion's comments reflect the widely held criticism that human rights advocate the individuality of rights, thereby devaluing the collectivity of rights. Critics often claim the emphasis on individuality diminishes the power of unity, solidarity and collective movements in impoverished communities. According to Hickey and Mitlin (2009), the individualistic focus can distract from the relational

basis of poverty and greater social change (p. 211). The rights-based approach does make progress in the collectivity of rights by advocating human rights for all, rather than service provision for a few. However, the focus on individual rights claims can prove problematic for organizations attempting to influence wider collective movements, as in the case of Puntos.

Plan by no means neglects the importance of influencing perceptions and raising awareness through its development work. Indeed, its transition to the rights-based approach alone confirms its understanding of poverty within the larger social context of Guatemala. However, Plan's primary objectives do not center on awareness raising, rights education or engagement with collective movements. According to Schmitz, Plan does not frequently utilize rights education and awareness raising strategies (p. 11). Plan does not target them as program strategies, at least not in the way Puntos does. The five principles introduced in its strategic plan to guide the implementation of the rights-based approach - constitutional responsibility, municipal strengthening, active child participation, inclusion and solidarity - do not explicitly mention awareness raising or education of rights issues. Rather, changed attitudes and behaviors become byproducts of Plan's work. Plan's child-centered rights-based approach focuses on children's rights, so their work at the individual level raises awareness about children's rights and how parents can protect and respect those rights. Plan primarily aims to change the attitudes and behaviors of parents in promoting children's rights. Conversely, Puntos aims to change the attitudes and behaviors of youth in promoting their own rights. Thus, Plan's rights-based approach is very focused on children, whereas Puntos' is very focused on young adults.

b. Participation and Mobilization at the Community Level

The rights-based approach also involves the strengthening of community

organizations so individuals can make their own rights demands. These

organizations allow individuals to transform their perceptions, attitudes and

opinions into participation and social action. Thus, NGOs must consider their role

in civil society and their relationships with other rights organizations. According

to Molyneux and Lazar (2003), NGOs have begun to see themselves as

supporting community and grassroots organizations, which constitute both terrain

and targets for social activism (p. 59). Interaction and outreach with these

organizations remains an essential component of the rights-based approach.

In conjunction with their mass communication strategies, Puntos works to

strengthen the capacities of organizations, leaders, communicators and other

actors to promote social change. Puntos offers trainings, workshops and other

capacity building activities to build alliances among organizational leaders. In

order for people to be able to defend their rights, Puntos states, "It is necessary to

have engaged organizations and people willing to denounce discriminatory

practices, as well as young and adult leaders able to advocate and serve as

interlocutors in decision-making spaces" (Puntos de Encuentro, 2012c).

To achieve this goal, Puntos actively engages with organizational leaders

as well as young and adult community leaders. Puntos implements strategies such

as awareness-raising tours, educational courses, reflective activities, debate

forums and coordination efforts. The organization targets young and adult leaders,

communicators, young journalists and facilitators that influence the women's and

youth movements. Through interactions with other organizations and NGOs in Nicaragua, Puntos aims to build alliances, strengthen organizational capacities and raise awareness of gender and generational issues. For instance, Puntos conducted a "University for Women" project in the early 2000s, a series of training courses targeting adult women in social organizations such as trade unions, community groups and women's groups. Courses addressed issues of gender equality within mixed organizations, conflict management, the monitoring and evaluation of gender aspects, non-discriminatory practices, income generation and others (Molyneux and Lazar, 2003, p. 129). Through these interactions, organizational leaders were also able to form partnerships, coordinate work and share experiences with other practitioners. In addition, Puntos conducts "Gen-Gen" courses, which help organizations strengthen the gender and generational focus of their work. Three people, each with a different position and perspective at their organization, attend: a person from a managerial position, a person from an intermediary position and a beneficiary or grassroots promoter (Puntos de Encuentro, 2012b).

Puntos often conducts reflective sessions using an experimental methodology (Puntos de Encuentro, 2012c). In small groups of no more than thirty, participants reflect on and analyze issues in their daily lives that affect their rights and personal autonomy. With the purpose of challenging unequal power relations, participants identify forms of discrimination they suffer from and perpetuate. From there, they are encouraged to carry out individual change and to involve themselves in community organizations and institutions. Many of these forums are designed for organized women and members of the women's

movement. Issues such as sexual and reproductive rights, economic rights, the right to live free of violence and inclusive leaderships are prioritized in an effort to perform a critical analysis of the personal and social realities of women. With regards to the women's movement, Puntos also sets up meetings between women's organizations, civil society networks and key state actors.

To cultivate young leaders in the community, Puntos has formed the Central American Youth Facilitators, a group composed of youth between ages 16 and 25 that have participated in their reflection activities (Puntos de Encuentro, 2012b). Puntos engages with this group by co-facilitating activities in their countries and inviting them to participate in youth camps. In turn, members of the Central American Youth Facilitators group set up youth camps, reflection forums, meetings and awareness-raising campaigns. Specifically for young communicators and journalists, Puntos also provides training in technical skills and issues affecting the youth populations in their countries. Puntos aims to educate young communicators so they may present different perspectives on issues such as domestic violence, HIV and feminism. Twice a year, members of the Central American Correspondents Network meet to reflect on their role as public facilitators of these issues. In addition, Puntos has developed spaces for training and interaction between mass media journalists in Central America (Puntos de Encuentro, 2012c). Through a variety of training modalities, journalists reflect on issues such as reproductive rights and sexual orientation. Later, they report on these issues through their mass media outlets.

It is at the community level that many of Puntos's and Plan's strategies converge. Plan prioritizes active child participation in its programming and

encourages the formation of organized children's and youth groups (Bruno-van

Vijfeijken et. al., 2009, p. 46). Adhering to its child-centered rights-based

approach, Plan has facilitated the formation of many community groups working

to promote the rights of children in Guatemala. Democratically elected school

governments have been formed in nearly every school in which Plan works.

Committees on water, hygiene and the risks of HIV have also been formed in

these schools. Similar to Puntos's Central American Youth Facilitators group,

Plan has trained a large network of community youth to promote the rights of

children. In addition, Plan has created spaces for children to participate politically

through the formation of community development councils and municipal

children's governments (Bruno-van Vijfeijken et. al., 2009, p. 47). However, Plan

forgoes cross-level strategies such as direct community mobilization,

strengthening of civil society, expansion of civic spaces and coalition building

(Schmitz, 2011, p. 12). Nonetheless, by adopting the rights-based approach, Plan

has moved from working with individual children and families to engaging with

the community at large.

However, Plan and Puntos differ fundamentally on the end goal of these

strategies. Where Puntos aims to influence perceptions, attitudes and behaviors

within the women's and youth movements, Plan aims to promote rights in another

sense. Plan focuses on the manifestation of rights through service provision by

constitutionally responsible entities. Like Puntos, Plan focuses on strengthening

the capacity of youth and community organizations, but does so with the aim of

improving quality of services delivered (Schmitz, 2011, p. 11). Plan operates its

rights-based approach in five program areas: education, health, water,

participation and protection. Plan's programming centers on the attainment of rights for all citizens, specifically the most excluded and marginalized populations, in these areas. Although Puntos may view these rights as long-term strategic aims through the evolution of the social context, Plan targets them directly. To promote these rights, Plan emphasizes the rights holder-duty bearer relationship. At the community level, Plan works to strengthen the capacity of rights holders through child-centered organizations. At the state level, Plan addresses the duty bearers aspect of the relationship. In comparison with Puntos, Plan stands alone in its engagement with the state. Perhaps because of its emphasis on services, Plan expands its efforts into the municipal realm, whereas Puntos remains engaged primarily with civil society.

c. Strategic Engagement at the State Level

Next to its redefined relationship with communities, another major change the rights-based approach brings to Plan's work is its engagement with the state. Plan now coordinates with national or municipal government actors in all activities. Plan maintains cooperative partnerships with these actors and avoids overt political pressure. Utilizing Guatemala's existing legal framework, Plan emphasizes constitutional responsibility as a guiding principle in its interactions with state institutions. In coordination with the development of community participatory groups, Plan has trained government authorities on administrative tasks that make them more responsive to citizens' claims. Plan has formed cooperative partnerships with 12 of 22 municipalities and established basic relationships with eight more (Bruno-van Vijfeijken et. al., 2009, p. 42). Plan's efforts have led to a number of changes in government institutions benefitting

children. Nine municipalities have created child-centered public policies and another nine have formed municipal children's governments. Plan's partnership with the ministry of education has helped improve the quality of education in rural communities for children in primary schools. As a result of Plan's engagement with the ministry of health, basic health services became available in over 300 rural communities where Plan previously provided services and in another 300 where services were never provided at all (Bruno-van Vijfeijken et. al., 2009, p. 54).

However, as with any focus on certain strategies over others, tradeoffs occur with Plan's state centric approach. Likewise, Puntos's rights-based approach does not address all issues contributing to persistent poverty. For instance, Puntos does not engage at the state level whatsoever, so it neglects one aspect of rights holders' communities and forgoes certain strategies that may help achieve its mission. The implications of these two approaches - one service-driven and cooperative, one challenging and broadly aligned to the social context - are discussed in the following section.

VIII. Impact and Discussion

Ultimately, in the midst of these technical discussions of the rights-based approach, the question to consider is: Can the rights-based approach actually result in a greater enjoyment of rights for people living in poverty? Do its strategies address the root causes of poverty as its proponents claim? With no

universal standard for measuring the enjoyment of economic, social and cultural rights, it proves difficult to gauge the impact of even one rights-based approach, let alone the many different approaches taken by organizations around the world. Organizations implementing the rights-based approach must focus on measuring rights outcomes, rather than service outputs, which prove murkier to assess. According to Schmitz (2011), organizations must measure "intangible resources and a transformation of consciousness and agency" (p. 15). However, many scholars and practitioners agree on several principles related to the enjoyment of human rights, which may be used to fledge out the effects of the rights-based approach on developing communities. The successes of the rights-based approaches implemented by Puntos and Plan Guatemala as well as the problems that arise are discussed following this framework.

a. Attitude and Behavior Change

Puntos has focused its efforts on affecting this particular objective. Through its mass communications and capacity building campaigns, Puntos has been largely successful in changing the attitudes, perceptions and behaviors of people throughout Nicaragua and elsewhere in Latin America. The outstanding success of the television series produced by Puntos indicates the reach of its message to its target audiences. The first youth soap opera of its kind, *Sexto Sentido*, captured 70 percent of the viewing audience during its broadcast and has won numerous international prizes (Puntos de Encuentro, 2012c). It has also been broadcast throughout Central America and in the United States, Mexico and Bolivia. Rather than present certain behavior as "good" or "socially desirable,"

Plan promotes the right for each individual to make informed decisions and take responsibility for those decisions (Lacayo, 2006, p. 29). In addition, *La Boletina*, considered Puntos's greatest contribution to the Nicaraguan women's movement, continues to be distributed by 280 organizations in the 17 provinces of Nicaragua. Each trimester, 26,000 editions reach the hands of women's organizations and the general public (Puntos de Encuentro, 2012b). Puntos's youth networks have also garnered the enthusiasm of many young people in Central America. One twenty-three year old participant believes Puntos deals with issues no other organization does. She said she appreciated the way Puntos forced her to analyze her own daily life, rather than dictate the conversation (Molyneux and Lazar, 2003, p.) Although Puntos has not formally measured attitude and behavior changes in Nicaragua, nor could they take full credit for them, the popularity of its work indicates, at the very least, that the organization maintains a strong presence in the region. Puntos has most likely helped shape perceptions of issues such as sexuality, violence and discrimination through its popular methods. These communications mediums, in addition to other strategies such as formal training, alliance building and awareness efforts, which span across Nicaragua, have undoubtedly affected the beliefs of many people. Lacayo (2006) argues there exists a "cumulative message dose effect," in which the more messages people are exposed to and the longer they are exposed to them, the more likely they are to change their attitude and be motivated to change (p. 17). Although the relationship between messages, knowledge and behavior is in no way cause and effect, combining methodologies in this way holds promise to bring about social change.

However, this change is often long-term and difficult to measure. The distinction to make here is between outputs, outcomes and impact. The weakness exposed in Puntos' rights-based approach is difficulty measuring the impact component. Puntos performs a lot of activities (output) that become popular and reach many people (outcomes), but measuring impact, or how these outputs and outcomes affect people's lives and improve their enjoyment of rights remains less clear. Especially in the short term, measurement constitutes a real problem for Puntos. Issues such as the lack of control of the dissemination of *La Boletina*, problems gathering authentic feedback from youth camps and difficulty gauging the understanding of issues presented in their television shows, undermine the evaluation of whether or not Puntos truly changes its communities.

For Plan and its more service-oriented rights-based approach, results have been somewhat easier to measure. Plan's efforts in Guatemala have yielded several results in terms of attitude and behavior changes. Community visits and observations from Plan field staff indicate positive changes in both children and adults. These changes included greater confidence and the ability to better express personal views. Many children appeared less fearful and some were able to name several rights and explain how they translated into their daily lives. These changes were less pronounced in adults, perhaps resulting Plan's focus on shaping the beliefs of young people, rather than changing the beliefs of older generations. In the area of protection, Plan field staff noticed changes in parenting styles. They believed the child protection and education components of Plan programming had a positive effect on parents' realizations of children's rights, which translated into their parenting styles. In the area of water, awareness raising on hygienic habits to

improve water quality were well-received by communities as well. Studies have

shown that some homes were healthier because of adopting certain "best

practices" (Schmitz, 2011, p. 14) In general, people in the communities where

Plan worked appeared more aware of their responsibilities within their

communities and seemed more committed to improving them *(*Bruno-van

Vijfeijken et. al.*,* 2009, p. 67).

b. Unequal Power Relations

Another question related to the effectiveness of the rights-based approach

is: Can it challenge the unequal power relations believed to be causing poverty?

Principles linked to unequal power relations - inequality, equity and

discrimination - fundamentally fuel Puntos and the women's and youth

movements with which it engages. Puntos aims to change the social contexts that

allow the rights of women and young people to go unfulfilled. According to

Lacayo (2006), Puntos believes unequal power relations and dominance in our

society makes equity "unachievable" (p. 15). Although Puntos appears to have

made progress in changing attitudes and behaviors, it remains less clear whether

or not it addresses the dynamics of unequal power relations underlying rights

violations. Of course, changing attitudes and behaviors may result in a

deterioration of unequal power relations in Nicaragua, but this is not always the

case. A study by Bradshaw (2006) revealed that many women participating in

women's groups in Nicaragua believed that a change in power relations would not

necessarily or automatically arise from focusing on rights (p. 1337). Instead, they

suggested that rights and power relations are complementary; that is, rights are

seen as a "good entry point" for opening dialogue, but may not challenge issues of power relations at the basis of rights non-compliance on their own. Bradshaw (2006) gave the example: claiming the right to have an abortion may be important, but it does not address the underlying reasons why women experience unwanted pregnancies, such as inequality in the home and social stigma (p. 1337). Some critics of the rights-based approach also express concerns that the discourse of power may be subsumed in the discourse of rights and disappear from the conversation.

Thus, while Puntos's television series, radio shows, issue awareness tours and other mass communications strategies advocate for women's and young people's rights, it remains to be seen whether unequal power relations are actually being challenged. Just because someone realizes they have rights doesn't mean they will assert them, or even believe they can. Changes in attitudes and behaviors do not necessarily imply an attack on the well-entrenched systems of unequal power relations. Puntos certainly sheds light on important issues and generates worthwhile discussions, but this does not mean it truly challenges the unequal power relations that lead to rights non-compliance. Moreover, Puntos fails to address one critical source of unequal power relations in the social context of Nicaragua: the state. Puntos, unlike Plan, does not engage with municipal authorities. Although the rights-based approach denotes the state as "the primary target for achieving development outcomes" (Gneiting, 2011, p. 5), Puntos's rights-based approach does not conform to this criterion. In this sense, it challenges the state-centric model of the rights-based approach. However, the state undoubtedly plays an important role in how women and young people

perceive their rights and whether or not they assert them. While the organization's specialization in civil society remains crucial, its beneficiaries may be better served by addressing the state's place within the dynamics of unequal power relations in Nicaragua.

Although Plan engages extensively with the state, both organizations appear to fall short in this category. While Plan acknowledges that unequal power relations play a role in their goals and activities, Plan primarily focuses on the improvement and extension of government services. Plan works to enhance the capacity of government institutions to provide services to excluded populations and the capacity of those populations to hold their government accountable. Thus, Plan's strategies do not fundamentally challenge the underlying issue of unequal power relations. Plan's rights-based approach is certainly less discriminatory than its previous individual sponsorship approach, but issues with equality and equity persist. For instance, Schmitz (2011) notes these issues are often present in the planning and design stages, but often disappear in the implementation of programs (p. 17). Plan also uses existing structures to engage with community members, which can be problematic in this regard. These structures can sometimes reproduce existing patterns of inequality and exclusion. Plan field staff noted that community members believed political authorities used groups such as the community development councils to further their own interests (Bruno-van Vijfeijken et. al., 2009). In addition, women and children often remained excluded from participation and decision-making. Ultimately, when Plan only works with people eager to assume leadership roles, it overlooks deeply ingrained issues such as corruption, clienteleism, impunity and discrimination. As Schmitz (2011)

argues, Plan's strategies likely remain less effective in addressing more difficult issues of exclusion and inequality (p. 15). Thus, the most excluded and marginalized populations remain just that.

c. Solidarity and Collective Action

This measurement category lends itself particularly to Puntos. Puntos's strategies center on the idea of solidarity and collective action within a community. Puntos's youth camps, for example, are organized around the principle of solidarity. The participants work together to construct the rules of the camps themselves, most of which function to create a safe, supportive and confidential environment for sharing personal experiences with one another (Lacayo, 2006, p. 27). Youth build trusted alliances through the camps and many have described the experience as life-changing. Puntos believes this solidarity continues beyond the camps and that participants "will share and reproduce what they learned in their circle of influence and build alliances toward collective action," creating a "snowball effect" (Lacayo, 2006, p. 28). For this reason, Puntos devotes the last few sessions of camp to discussing how participants can use the tools and strategies they learned in their daily lives. However, Puntos realizes that participants are often constrained and influenced by their environment. Furthermore, measurement of these effects remains a key issue. One Puntos staff said, "We can't control how, when and where they will enact [change] so that we may be able to completely assess the effects" (Lacayo, 2006, p. 28). Puntos relies on what participants share with them, which does not always reveal the effects of the camps on a whole, reliable level. Participants that feel

frustrated, alone and helpless after the camps due to a lack of social support most likely will not offer their evaluations. Thus, although Puntos recognizes change as a collective process, it proves difficult to measure the effectiveness of the camps beyond the individual level. Moreover, Puntos fails to uphold another pillar of the rights-based approach: reaching the most excluded and marginalized populations. The youth camps, while beneficial, target youth that are already leaders, rather than youth experiencing the most oppression, isolation and insecurity in the community. A similar situation occurs with *La Boletina*. *La Boletina* also demonstrates Puntos's focus on solidarity and collective action, yet problems arise as well. *La Boletina* is distributed by a network of women's organizations with mutually supportive relationships. Puntos did not plan the distribution strategy and now has no control over it. Thus, measurement proves another obstacle in securing donors and demonstrating its impact on the women's movement. Ana Criquillion, founder and former director of Puntos, said, "We cannot know with certainty how *La Boletina* is being used and who is using it" (Lacayo, 2006, p. 25). Still, the popularity of *La Boletina* and the messages it espouses indicate that Puntos has achieved some degree of success with regards to solidarity.

Solidarity remains one of the least developed principles in Plan's programming, however. Plan's focus on individual human rights and the improvement of services appears to necessitate a tradeoff with regards to solidarity and collective action. Plan's rights-based approach certainly became more inclusive with the emphasis on the whole community, especially the most rural, excluded populations, rather than individual families. However, this more

technical, service-oriented approach leaves little room for solidarity or collective action. Of course, some programs, such as the community development councils or telephone helpline for abuse victims produce some levels of solidarity among participants. Nonetheless, Schmitz (2011) argues Plan's rights-based approach exposes the limits of individual human rights for collective mobilization in the name of political change (p. 8). In several instances, community members emphasized their own rights and receipt of services, rather than the collective enjoyment of rights by the entire community. Families complain that they no longer received school supplies or other material items from Plan. Community members question why people not affiliated with Plan received the same opportunities and services. In one extreme case, families damaged community water systems to divert more water to their homes (p. 50). According to Plan, the general understanding of the term "solidarity" was understood as meaning Plan's solidarity with the community, not solidarity within the community itself. Other issues, such as the alleged use of community groups for personal gain, undermined motivations for solidarity. Thus, the rights-based approach may not always result in a collective movement for rights claims within a community.

d. Accountability Mechanisms

Puntos strives for its work to influence public policies, but does not explicitly engage with the state. By electing to not engage with the state, Puntos does not outwardly work to strengthen accountability mechanisms between the state and its citizens. Plan, on the other hand, has been most successful in this category. Like many other rights organizations, Plan believes the responsibility

for ensuring economic, social and cultural rights belongs at the domestic level, rather than the international level. For this reason, Plan focuses on enhancing domestic accountability mechanisms.

Perhaps the best example of Plan's success in this category is its relationship with the health and education ministry. In the area of education, Plan worked out an agreement with the ministry of education to improve primary school graduation rates. Before Plan's involvement, only 30 percent of children in rural areas of Guatemala enrolled in primary school completed all six grades (p. 94). After working with Plan, eight municipalities adopted Plan's quality learning initiative, although Plan has developed partnerships with all but two of the 22 municipalities in Guatemala (p. 45). In general Plan has had a 44 percent success rate with creating child-centered public policies (p. 93). In the area of health, Plan developed the Coverage Expansion Program, which serves as the agreement between Plan and the ministry of health to extend health care services to rural populations. After Plan's involvement, 82 percent of children under the age of one received annual medical checkups, up from 52 percent beforehand. These statistics constitute evidence for the impact of the rights-based approach, which can be rare due to the complex task of measuring social and cultural change. Furthermore, the delivery of these health care services was financed completely by the ministry of health, a true accomplishment bred from the rights-based approach. An agreement has also been made with the ministry of education for the assumption of Plan's activities in rural schools, although progress has been slower.

Despite Plan's evident success, several problems threaten to undermine its progress in holding states accountable to their constitutional responsibilities. In areas where there is not one, single institution responsible, such as the water program, Plan's strategies are less coherent. No ministry exists with the responsibility of providing clean water to rural populations. In addition, the right to water is not mentioned explicitly in the Guatemalan constitution and no national laws or policies exist assigning responsibility to a certain organization. Although the government has signed water plans and strategies with the government, training and enhancing the capacities of authorities in this area proves a murkier undertaking. In addition, a persistent lack of resources leaves many governments unable to respond to newly asserted rights claims by community organizations. This deficiency threatens to undermine the efforts of empowered community members to make such claims, leaving them disappointed and discouraged. In addition, without Plan's support, municipal leaders worry they will be unable to support projects proposed by these organizations. These findings seriously challenge the sustainability of Plan's efforts, which is further discussed in the next section.

e. **Sustainability**

Both Plan and Puntos face different, yet equally threatening challenges to the sustainability of their rights-based approaches. Puntos' most pressing concern is a lack of measurement strategies and compatibility with donors' expectations. The extreme complexity and diffused nature of Puntos' strategies can prove problematic for many donors. Puntos does not resort to oversimplified top-down engagement tactics. Even its television episodes don't resort to traditional notions

of right and wrong. Characters often develop in complex and complicated ways, demonstrating that there exists "good" and "bad" in everyone. Puntos believes this depth allows the audience to more meaningfully reflect on the situations. However, many donors insist on programs that result in more measurable outputs and outcomes (Gready, 2009). Although some donors support more complex social change strategies, Lacayo (2006) notes grant-makers and leaders often "silently collude to support theories, indicators, methodologies and policies favoring a linear, step-by-step, cause-effect approach" (p. 21). Of course, planning and evaluation remain important to social change, but perhaps donors need to reexamine the standards for evaluating such change. Until then, however, Puntos' agenda will not line up with many donors' agenda. Puntos, like many organizations dedicated to long-term social change, will struggle to reconcile their mission with the cause-effect schema that can that donors have come to expect.

Plan's sustainability challenges center primarily on patterns of dependency. Where families once depended on Plan for material support, now government institutions have come to depend on Plan for technical support and training. It remains to be seen whether the institutions Plan has engaged with can sustain the progress made under its leadership. While many municipal authorities valued Plan's expertise, they questioned whether it would continue in Plan's absence. The uncertainty stems from several issues. First, the success of Plan's rights-based approach largely depends on the fruitful partnerships developed with individual municipal leaders. With high instability and turnover in leadership, Plan's efforts may not thrive beyond its own engagement. However, Plan has begun to address this issue by creating policies and agreements involving the

institution in general, rather than specific leaders. A far more troublesome problem remains the apparent lack of commitment to children's rights by the state. Although many institutions value Plan's support and have passed child-centered policies with Plan's guidance, many do not retain the message of the importance of children's rights. This lack of commitment may be attributed to Plan's non-confrontational, non-political style of engagement. Plan also avoids explicit use of the term "rights" because of its fiery connotation in the historical context of Guatemala and around the world. Interviews with leaders in a community Plan had left revealed a decrease in municipal activity and responsiveness (p. 82). Plan has had success transitioning responsibility of schools and healthcare to the education and health ministries, however, much room for improvement exists in Plan's other program areas. Still, as Plan staff concede, no assurance that the improvements in healthcare coverage and education would remain or continue without Plan. Overall, while Puntos struggles to secure donors, Plan struggles to ensure continued progress in the communities it serves.

VIV. Conclusions: The 'Right' Role

    a. Summary of the Plan vs. Puntos Comparison

Plan and Puntos have envisioned very different rights-based approaches. Thus, they consider different effects when discerning the success of their development work. For Plan, they are successful when rights holders enjoy health, education, protection and other services guaranteed by duty bearers, especially the most excluded and marginalized. For Puntos, they are successful when their educational and advocacy-oriented tactics change community members' attitudes and behaviors toward one another. It remains to be seen which standards could be considered "better." For now, the analysis stops short at "different." Of course, each rights-based approach comes with its own set of advantages and challenges.

Plan's service-oriented approach is more straightforward in terms of outputs, outcomes and impact. Plan's engagement with the state leads to the enjoyment of services, vis-à-vis rights. Plan's strategies prove much more manageable to measure, as a child's receipt of healthcare services, for example, equals the enjoyment of the right to healthcare. The rights and development language mesh together more succinctly. However, Plan concedes certain tradeoffs. State institutions become dependent on Plan and may not share a

commitment to children's rights without Plan's guiding presence. In addition, Plan's non-confrontational partnership with the state government renders them unable to address some of the most troubling issues affecting poverty, issues such as unequal power relations, corruption, exclusion, discrimination and marginalization. Plan also fails to advance solidarity and collective action within their communities. By emphasizing the individual enjoyment of rights, it remains difficult to concurrently advance the collective enjoyment of rights, especially after so recently transitioning from an individual child sponsorship approach.

Puntos' rights-based approach also yields certain benefits and tradeoffs, but, as one would expect, very different ones. In some of the areas Plan lacks, Puntos excels. For instance, Puntos focuses explicitly on addressing issues such as unequal power relations, discrimination, autonomy and exclusion, which Plan neglects. Plan takes a confrontational stance, not towards the state, but towards social issues that affect the enjoyment of rights. Puntos perceives itself as a leader in the women's and youth movements, rather than a contractual partner with a government entity. Puntos concerns itself with the greater context for which rights operate by working to change the perceptions and power relations that result in rights violations. The two main tradeoffs of Puntos' approach are a lack of control of its messages and a lack of measurement strategies. Puntos has little control over how their material is viewed and digested across Latin America. Although it undoubtedly works to ensure its entertainment-driven tactics are perceived in the way they intend, this cannot be assured. Evaluation of how they are perceived prove difficult as well. Are the messages presented in the soap operas being misconstrued? Although *La Boletina* is a staple of the women's movement, who

reads it and *how* does it affect the movement? Furthermore, just because Puntos attacks many of the underlying issues affecting poverty does not necessarily mean they are diminishing them or that rights are enjoyed as a result. The connection between Puntos' work and the enjoyment of rights remains murkier than that of Plan. Few mechanisms for measuring the impact of Puntos' work exist, and not all progress can be attributed to Puntos even if they did, although all development organizations face this problem.

b. Implications for the Rights-Based Approach

What do these observations mean for the rights-based approach? Overall, both case studies bring the role of rights within the development enterprise in question. Interestingly, both organizations implementing the rights-based approach elect to avoid the direct use of human rights in their engagement strategies. Puntos first reacted negatively to a rights focus, later transitioned to a rights-based approach while still emphasizing personal autonomy and social change over rights. Plan also does not apply the same rights discourse within its own relations as those it applies within its communities. The discourse used in fundraising efforts and organizational mantras remains distinctly separate from those that manifest in community efforts. Furthermore, Plan does not use contentious strategies to follow-up with the specific type of rights "talk" they employ in the field. Perhaps, then, rights language actually belongs more in fundraising activities and organizational mantras than in on-the-ground engagement with rights holders and duty bearers. In both case studies, rights are "behind the scenes" driving forces that, while influential, do not translate directly

onto rights holders. If this is true, are rights truly advanced? If they remain an internal catchphrase, do rights really enter the consciousness of the communities in which these organizations work?

In addition, both organizations forgo explicitly political roles in their rights-based approaches. Although Latin America proves "fertile ground for rights language," its violent history makes it difficult for the more political, confrontational rights-based approach to fully bloom. Distrust lingers in democratic institutions and political spaces. At what point will a more political interpretation be deemed necessary? After all, the rights-based approach frames poverty as a political issue. Its solution will most likely call for political, confrontational measures at some point. However, it remains to be seen which type of rights-based approach the development enterprise, burdened with intense competition for funding, will reward: the fierce political advocate, the cooperative partner or the social change enthusiast.

Furthermore, some critics disagree with the rights-based approach's emphasis on the state as the primary duty bearer for rights claims. They argue globalization and the increasing intervention of transnational bodies in the affairs of local communities make it impossible for states to have complete ownership over rights.[2] They argue the state cannot be an effective duty bearer because of how drastically local communities have changed due to globalization. Instead, they point to private institutions, transnational organizations and other market actors as primary duty bearers. If this is true, then the rights-based approach, with its emphasis on the responsibility of states, may fail to advance human rights.

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[2]Discussion with Professor Thomas Perreault, Professor of Geography, Maxwell School of Citizenship and Public Affairs, Syracuse University. April 11, 2012.

Critics that hold this view remain skeptical of the rights-based approach's potential to ensure the promotion, protection and fulfillment of rights.

However, not all scholars so readily dismiss the responsibility of states. Despite changes caused by globalization, some scholars believe states have not lost their ability to govern and control external influences. They take a more realist, state-centric view, giving more credit to states in their development efforts. Thus, they believe states are – or should be – the primary duty bearer for rights claims and commend the rights-based approach for repositioning the state as the primary duty bearer. Of course, this is not to say that private actors should be absolved of their responsibilities. The rights-based approach does not condone the dismissal of rights responsibilities by any person or entity. Rather, the approach calls for states to lead their communities in the quest for human rights. However, this poses the question: What if states can't – or won't? There have been times in history when states simply cannot fulfill these duties. Where must NGOs turn? To private institutions, as the previously held neoliberal theory suggests? Back to service delivery? Some scholars argue, in this case, NGOs must target non-state actors, as Puntos did in Nicaragua. Puntos concluded that the state was incapacitated or otherwise unable to fulfill its rights duties. Therefore, practitioners targeted social activist groups and young members of civil society instead. However, most scholars still label Puntos' approach as a rights-based approach. As it matures in the development field, the rights-based approach will likely morph and change based on the different forms it takes around the world. Perhaps Puntos' rejection of state-centric strategies to pursue strategies in the civil society realm will prove fruitful for women's and young people's rights. Or,

perhaps engagement with the state, as in Plan's case, would have created a more stable mechanism for holding *all* aspects of Nicaragua society accountable for rights. Ultimately, it depends on how one perceives the capabilities of states and private actors in developing communities.

Ideally, perhaps a combination of both Plan and Puntos' strategies, those service-driven and progress-driven, would create an environment ripe for sustainable change. Plan's engagement with the state would provide relief for the immediate effects of poverty by advocating for healthcare, education, water and protection services. Puntos' communications campaigns would facilitate a wider social transformation, which would address the issues of unequal power relations Plan overlooks, creating a more favorable context for rights. Whether or not this type of hybrid approach is plausible for organizations prioritizing their funding and skill sets remains to be seen. Still, organizations can learn from Plan and Puntos' experiences implementing their own brands of the rights-based approach. Practitioners can decide which strategies are plausible for their organizations and which tradeoffs they are willing to concede based on their communities. There is no one rights-based approach that serves as a catch-all for development goals. NGOs must make educated decisions based on resources, skill sets and situational analyses of their communities. It depends on *how* organizations define progress and *what* they believe will achieve it. Nonetheless, the rights-based approach, no matter which form it takes, constitutes a significant step towards taking responsibility for the underlying causes of poverty. The move away from blind service delivery should be celebrated. In the coming years, the rights-based

approach will continue to yield hybrid strategies and learning experiences that

will contribute to the advancement of the development field.

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Written Summary of Capstone Project

The rights-based approach to development is a groundbreaking new strategy utilized by many aid organizations for addressing the root causes of poverty, injustice and human rights violations around the world. Before the emergence of the rights-based approach in the 1990s, most organizations used the service model, i.e. the provision of food, water, medicine, education, etc. to impoverished people. However, development practitioners began to realize that this blind, output-oriented model did not address the root causes of poverty; it only relieved its symptoms. People suffering in poverty received the necessities of everyday life, but the underlying problems that led to their exclusion from them - issues such as discrimination, marginalization, unequal power relations, corruption - persisted. Impoverished people became dependent on these organizations and communities remained stagnant in their development. As a result, many organizations searched for ways to make their work more sustainable, more legitimate and more worthwhile.

The use of human rights in development work promised to do just that. The emergence of human rights in the latter part of the twentieth century constituted a promising supplement to development work for many aid organizations. With the Universal Declaration of Human Rights in 1948 and proceeding human rights customs and treaties in the next few decades, the rights of every human being, solely by virtue of their humanity, became clear and codified. Rights such as the right to education, healthcare, equality, protection from violence, freedom of speech and more, were officially established under international law. In the 1990s, many development practitioners began to

recognize the pertinence of human rights to their work. Human rights champion the endowment of rights specifically to excluded and marginalized populations, most of which live in extreme poverty. Development organizations concern themselves with the manifestations of human rights, such as the right to health, food, education, equality, security and expression. Practitioners soon realized human rights could be used to enrich development work. They began to re-conceptualize their work as having greater significance in the "big picture" of the interplays between rights, politics, exclusion, discrimination, unequal power relations and other issues affecting poverty. Since then, the interaction between human rights and development has become an important research topic. The rights-based approach to development represents one manifestation of the intersection between human rights and development. In the 1990s, it emerged in the academic sphere and in on-the-ground development fieldwork.

Today, the rights-based approach to development has become a widely recognized system for achieving development outcomes. However, it remains a young approach, only emerging as a competent theory in the last few decades. For this reason, no single, formal rights-based approach exists to-date. The task of incorporating human rights into development work remains open to a wide range of interpretation. Organizations utilize many different methods for grounding their work in human rights language. However, several trends help paint a picture of the rights-based approach as it used by aid organizations today. For the purpose of this analysis, the rights-based approaches of Plan, an international development organization working in Guatemala, and Puntos de Encuentro (Meeting Points), a grassroots feminist organization working in Nicaragua are compared. These two

organizations have implemented very different rights-based approaches, which have produced different results and challenges. Thus, an examination of these two approaches side-by-side may yield insightful implications for the rights-based approach in development work. It can help answer the question: *Which* rights-based approach, if any, lives up to its promise of more sustainable, legitimate and meaningful development work? Furthermore, it is no coincidence that both of the organizations chosen for this analysis operate in Latin America. The rights-based approach appears to be most successful in this region. Therefore, this analysis centers on the use of the rights-based approach in Latin America, the most favorable environment for studying the potential of the approach.

I found Plan and Puntos' rights-based approaches to be fundamentally different, each organization interpreting the meaning of the rights-based approach in unique ways. Where Plan aims to improve the provision of services by state institutions to community members, Puntos aims to change the social context of rights within the greater women's and youth movements. Plan perceives its role as a contractual partner, while Puntos perceives its role as a leader in changing attitudes, perceptions and unequal power relations. Each approach came with its own advantages and challenges. A comparison of the two rights-based approaches suggests that the question is not: Does the rights-based approach work? but, rather: *Which* rights-based approach works? Furthermore, the definition of "works" is interpreted very differently by Plan and Puntos. For this reason, the two organizations serve as fitting case studies in an analysis of the potential of the rights-based approach to add value and meaning to development work.