

Moving Past Rights-Based Approaches: Adopting a Framework Focused on Process and Outcomes

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Abstract : The protection and promotion of human rights is experiencing increased commitment around the globe. Many organisations, groups and movements have strategically employed ‘rights-based’ agendas in order to advance issues and accomplish particular objectives. However, despite this ongoing mainstreaming and dominance, there is little time to reflect on the efficacy, sustainability and shortcomings of taking rights-based approaches. In this introduction to the volume ‘Beyond ‘rights-based approaches’?’ we think critically about – and beyond – ‘rights-based’ approaches. As part of our review of the existing literatures (which we organise around three key waves in rights-based focused research), we introduce new research that seeks transformative solutions to systemic patterns of injustice, while considering the real changes in peoples’ lives. Central to our discussion is the proposal and then the deployment of a new framework, based on a ‘process/ outcome axis’. From this vantage point we identify and discuss how our contributors challenge the prevailing assumptions and practices in the fight for human dignity, by addressing the gap between theory and practice, and between scholars, activists and practitioners

Keywords: Rights-based; human rights; strategies; UN; practitioners; activists; scholarship

1. Introduction

Discord has existed between us. This conflict has been building since it first surfaced in 2008. There was a disconnect between our findings and what was already published in the field and what our study participants told us, which corroborated some of our own experiences in the field. This contradiction arose because "rights-based approaches" to development were so popular. The

development business consistently adopted and promoted these well-known tactics as a way to include human rights principles. They continued to dominate (in the current literature and in other areas of practice) despite numerous definitional issues. "I do not need a Bible to tell me what to do [Other NGOs] use it as a doctrine; I hate the rights-based approach." and similar comments were made by some of the participants in Miller's study because of this, as she has previously acknowledged. If you disobey their rules, it is as if you are wrong. Human rights should not be viewed as an inflexible code of conduct. Yes, there is more to it than that. Just one In addition, some can warn, "keep in mind... [laughing]... whatever you do, do not portray how we use human rights as similar to those rights-based groups."2. A significant portion of the development professionals and grassroots activists were asserting their rights beyond the formal framework of rights-based approaches, as identified by Miller's research.

Our research participants and colleagues told us things that were developing in everyday practice, rather than things that were novel or unusual. This became clear as time went on. As a result, our anxiety grew in tandem with the dominance of everything "rights-based" spreading to more areas.

We knew it was time to find others who understood after discussing this chasm with other professionals, students, and colleagues. In late 2015, we pushed for investigation into areas beyond "rights-based approaches" to promote interest in related subjects. The goal of this research call was to provide a platform for discussing and assessing significant practices that have undergone recent changes. These orientations were important, but the literature paid little attention to them. To rephrase, while there is a large body of literature that sheds light on the many conceptions and applications of rights-based approaches, there are also many expressions that plainly and explicitly do not belong to this umbrella concept (as we shall see later on). We looked for research that challenged the received wisdom of right-wing discourses and offered new ideas, frameworks, and initiatives for transformational practice.

We were so encouraged by the response that we held a one-day session at London's Kingston University in the spring of 2016. Because of this, we started to think critically about options other than "rights-based approaches." Notable researchers and practitioners presented an interesting range of studies, and there were other more general discussions. This volume is the end product of all that work.

This introduction to the collection "Beyond "Rights-Based techniques"? begins with a description of the history and dominance of rights-based approaches in the existing research. To do this, we will look at three important

steps in rights-based research. What follows is a presentation of the several UN agencies' understandings of human rights-based approaches. The second is offered to emphasize how crucial "process" and "outcomes" are in human rights approaches and methodologies. Based on this discovery, we offer a fresh perspective (a "process/outcomes axis") to examine "beyond" and "rights-based approaches." Finally, we showcase the most significant contributions of the volume through our viewpoint, introducing each item in turn.

'Before expanding to other fields, "rights-based approaches" gained traction in the development sector. For development actors and academics, it constituted the preeminent interpretation of human rights discourse and practice. Meeting basic "needs" took a back seat to asserting and defending "rights" at its most basic level. Three strategies were to be "participatory," meaning they would have relied on the "advocacy" and "active engagement" of "poor" and "excluded" individuals.⁴ Respect for the crucial role of states as "duty-bearers" and an emphasis on universality, non-discrimination, and equality were to underpin all analysis and programming.

There is still no universal agreement on when the term "rights-based approaches" first appeared; however, it is possible to trace the explicit discussion of rights integration into development practice by various international development agencies in the early 1990s, after the Cold War ended (and especially around the 1995 Copenhagen Summit on Social Development), to this era. A plethora of development players, including UN agencies, large funders, international NGOs, and local grassroots NGOs and social movements, began to embrace and advocate for "rights-based approaches" beginning in the mid-1990s.

Phase one (mid-1990s–early 2000s)

Given the variety of players, it is not unexpected that the initial wave of rights-based focused research (mid-1990s–early 2000s) aimed to record the rise and popularity of the approaches while simultaneously highlighting the various "rights-based" interpretations, manifestations, and forms.⁸ Included in this were a number of seminal studies and edited collections that provided important case study examples and exposed different ways of looking at rights-based theory and practice.⁹ But as Miller has already pointed out, this raised questions about whether the players were talking about and using "rights-based approaches" or "human rights-based approaches," or if they were synonymous. When it became clear that some development actors were inconsistent in their use of the words, while

others perceived no difference between the two, this differentiation became troublesome. According to Miller,

Some may interpret "rights-based approaches" as moving away from the international human rights system and toward a greater emphasis on citizen rights, while others may interpret "emphasis of the human" as placing primacy on the normative and legally binding nature of human rights as established in international law. Others use the term "rights-based approaches" as a shorthand for "human rights-based approaches" as well as "rights-based approaches" in general. ¹⁰

(The second choice is something we use, as is common for many.) Researchers and practitioners alike quickly recognized the expansive character of "rights-based" approaches, and it became abundantly clear that no single approach would suffice. At the time, "rights-based approaches" seemed to be a catchall term for a wide range of "organizations," "programs," "commitments," "values," "trends," and "initiatives in development practice."¹² For this reason, Miller(2013) drew attention to the "broad umbrella concept" of rights-based methods. This is related to the notion that "rights-based approaches" might (and, in the past, did) encompass all uses of the term "human rights" in the context of international development. Uvin's¹⁴ categorization of rights incorporation into "rhetorical incorporation," "political conditionality," "positive support," and "rights-based approaches" demonstrated a notable departure from the norm at the time, even though he firmly advocated for a sequential advancement towards rights-based approaches. Similarly, by recognizing that many donors take different techniques, Piron and O'Neil¹⁵ advanced this crucial line of inquiry. Equally, they advocated for rights-based initiatives, which are more comprehensively founded on universal principles.

Second stage (mid-2000s to mid-2010s)

From the middle of the 2000s until the middle of the 2010s, researchers focused on rights-based activities in a second phase of their work. Their main goal was to establish comprehensive evaluations of these practices. Analyzing data from over a decade of experience, key research uncovered new and vital information. Following the recommitment of several players, some sought out best practices and pondered the "added value," "potentials," and "successes" of this innovative strategy for development.¹⁷ Some were curious about the "pitfalls," "failures," and liabilities that might be linked to rights-based approaches.¹⁸ Some tried to

take on the less challenging aspects of organizational transformation, while others sought to take on the more challenging ones. As an example, Vandenhoe and Gready¹⁹ conducted a substantial study that investigated the evidence of key "drivers," "obstacles," and "spoilers" to organizational change. Also, collections and studies were organized according to the question of how development settings fortified human rights principles and norms.²⁰ Important "judicial, bureaucratic and organisational processes" that were integrating and institutionalizing human rights were the focus of a couple of these studies.²¹

At this point, the concept of rights-based approaches to development was starting to take shape, with the emergence of a 'sector' and a 'cascade'.²² The fact that rights-based initiatives appear to have expanded beyond the traditional development sector is another intriguing feature. Numerous studies started documenting the rise of rights-based approaches, which had already made inroads into significant fields. They included, among other things, advocacy, health (including HIV/AIDS, public health, bisexual and lesbian women's health, and maternal health), fisheries, social work, local water governance, food security, disarmament, demobilization, and reintegration, and world heritage site management.³⁴ In their examinations of the efficacy or ineffectiveness of rights-based approach practical implementations, numerous of these research remained steadfast in their focus on constraints, disagreements, and uncertainties.

The notion of rights-based approaches continued to grow during this second phase, and it became quite clear at the end of the period that different participants were using and interpreting the phrase "rights-based" in a variety of ways.

Towards the end of this second phase, it became abundantly evident that the term "rights-based" was being used and interpreted in a myriad of ways by various players, leading to the continued expansion of the concept of rights-based approaches as a whole.

Phase three (mid/late 2010s to the present day)

The second wave of rights-based focused research, which began in the middle of the 2000s and continued until the middle of the 2010s, aimed primarily at developing comprehensive assessments of rights-based activities. Novel and vital information was uncovered by key research that examined data from over a decade of practice. Many stakeholders sought out best practices after recommitting to the cause and questioned the "added value," "potentials," and "successes" of the new development strategy.¹⁷ Similarly, there was a desire to understand the possible "pitfalls," "failures," and liabilities linked to rights-

based approaches.¹⁸ A few people tried to take on the less challenging aspects of organizational transformation, while others aimed for the more challenging terrain. Consider the important "drivers," "obstacles," and "spoilers" to organizational transformation that were investigated in a substantial research by Vandenhoe and Gready¹⁹. Furthermore, research and anthologies were organized according to the question of how human rights standards and values were fortified in development contexts.²⁰ A small number of these research endeavors sought to delve into meaningful "judicial, bureaucratic and organisational processes" that were incorporating and formalizing human rights.²¹

By this point, the concept of rights-based approaches to development had taken a more concrete form, and a powerful "sector" and "cascade" based on rights had started to form.²² It is intriguing to note that rights-based approaches appear to have expanded their dominance beyond the traditional development sector. Since rights-based approaches had already made inroads into significant fields, a plethora of studies started documenting their rise. There was advocacy, health (including HIV/AIDS, bisexual and lesbian women's health, public health, and maternal health), fisheries, social work, local water governance, disarmament, demobilization, and reintegration, food security, and world heritage site management among these.³⁴ While investigating whether rights-based approaches were successful in translating theory into practice, several of these research kept a close focus on limitations, conflicts, and ambiguities.

By the end of this second phase, it was clear that different participants were using and interpreting the phrase "rights-based" in a variety of ways, which led to the further extension of the concept of rights-based approaches overall.

As the second phase came to a close, it became more apparent that many different actors were using and practicing the "rights-based" label in a variety of ways; as a result, the concept of rights-based approaches as a whole was continuing to grow.

UN agencies and 'human rights-based approaches'

In the same way that rights-based approaches to development are a forerunner to more comprehensive UN human rights-based approaches, a number of significant international milestones paved the way for the establishment and implementation of human rights-based approaches to development by UN agencies. "The human rights-based approach and the UN system" (Andre Frankovits, 43) provides a great overview of these landmarks. Notable events include the United Nations World Conference on Human Rights in 1993 and

the reiteration of the Vienna Declaration, which clearly recognized the connections between human rights, as described by Frankovits. UNICEF's 1996 announcement that the Convention on the Rights of the Child⁴⁵ would frame UNICEF's work (and its later 1998–2004 executive directive concerning the implementation of the 'human rights-based approach'); Kofi Annan's 1997 UN reform (leading to the explicit integration of human rights across all principal UN organs); the UN Development Programme's (UNDP) 1998 formal integration of human rights frameworks across all its work; the establishment of HURIST 1999–2002 (designed to support the UNDP's policy for integrating human rights); Amartya Sen's co-authorship of the 2000 Human Development Report (within which Malloch Brown explicitly stated the direction for UNDP and the wider UN system, centred around a 'human rights-based approach to human development and poverty eradication'⁴⁶); The Millennium Declaration 2000 (which included the commitment for governments to take action on issues of human rights and poverty eradication); the further UN reforms in 2002 (where the UN Secretary-General developed the call for further promotion and protection of human rights across the UN machinery); the UNESCO General Conference 2003 (leading to the further integration of human rights-based approaches across all UNESCO's programmes), and; the UN Common Understanding on a Human Rights-Based Approach to Development Cooperation (approved by the UN Development Group, and concurrently established as the formal UN 'understanding' on rights-based approaches).⁴⁷

In its whole, Frankovits' assessment provides valuable insight into the efforts of several United Nations agencies to define and explain the interplay of human rights, poverty, and development. His research shows that the United Nations began to reform in response to the Secretary-General's stance and vigorous advocacy for human rights, and that various agencies followed a roughly linear trajectory from there, though not all at the same rate. What comes out is a picture that shows how different the early 2000s were compared to the early 1990s, when concepts of rights were being discussed and confirmed across agencies, and when human rights-based approaches were being fully operationalized and developed across various UN agencies. Nevertheless, a number of difficulties and concerns emerged beginning in the middle of the 2000s and continuing beyond, as other people have since described. There were a number of problems that needed to be addressed. Some of these included staffing issues, such as staff members being resistant or wondering if it was just a passing fad. Another issue was tensions within the rights-based approach leadership. Problems with conceptualization included things like different understandings within the UN system leading to a lack of

clarity. Political issues included things like identifying states as the main sites of accountability and dealing with government and non-government partners who were unfamiliar with these approaches. There was also tension between civil and political rights and economic, social, and cultural rights. Finally, issues related to practical application included things like providing realistic time frames and dealing with rights-based development in contexts of extreme poverty.⁴⁸

Various United Nations agencies followed suit after embracing human rights-based approaches to development. One example is the United Nations Peacekeeping Force's official endorsement of "rights-based approaches to disarmament, demobilization and reintegration" (DDR) in 2006. The United Nations Secretary General issued the UN Integrated Disarmament, Demobilization and Reintegration Standards, which outline the scope for best practices in rights-based DDR programming, building on the work of the Inter-Agency Working Group on DDR.⁴⁹ Similarly, the United Nations Mission formally implemented "rights-based approaches to community policing," which comprised crucial right-based training for police officers.⁵⁰ Another excellent example of a UN agency that is putting rights-based initiatives front and center is the Food and Agriculture Organization (FAO). Particularly, the FAO went from having "little experience" with rights-based agendas to making it crystal clear that it wanted to help ensure that all nations had access to sufficient food by creating and promoting guidelines that would be a "rights-based practical tool addressed to all states."

On the other hand, the UN stance on human rights-based initiatives is not yet uniform across all UN bodies. The United Nations' drug control system is an important aspect. To begin with, there is abundant and undeniable proof that global drug control policies have a detrimental effect on human rights. Despite this, there is an urgent need to strengthen the legal framework surrounding drug control, particularly with regard to the obligations to respect, safeguard, and fulfill human rights.⁵² The latter provide a significant obstacle to the effective implementation of a human rights-based strategy. Similarly situated is the United Nations taskforce on tobacco control.

The limits of rights-based approaches (RBAs) can be viewed from several angles, considering the wide variety of applications and manifestations of RBAs over the past 25 years. Some examples of such factors are the degree to which human rights strategies have been integrated into the organization, the methods used to evaluate operations in light of human rights norms, and the amount to which actual organizational change

has resulted from these tactics.⁵⁶ We contend, however, that by expanding the offering within the context of the UN's conceptual understanding of RBAs, a crucial analytical unit becomes apparent. Rather of relying on the UN's conceptual understanding of RBAs because it provides a final definition or because the UN has the last say on the subject, we leverage its massive size and pervasive influence to our advantage.

In this case, we suggest a differentiation between process and outcomes, the two mainstays of rights-based methods. These elements originate from the United Nations' prior declarations regarding the nature and implementation of (human) rights-based methods (57).⁵⁸ In line with our stated argument and the overall contributions of this volume, we definitely do not intend to imply that these two components constitute the sole means of receiving rights-based approaches. Rather, we aim to suggest that they provide a valuable prism through which alternative human rights methodologies and approaches can be examined. In order to lay the groundwork for this area of investigation, we will begin by offering a concise synopsis of the two rights-based components, as communicated by the UN's 'Common Understanding on the Human Rights-Based Approach to development' and other important UN agencies.⁵⁹

United Nations agencies and the weight of "outcomes"

In the United Nations, the term "outcomes" is fundamental to the conceptualization of rights-based methods. Basically, any rights-based strategy (to things like: development;

The actual realization of a human right (or set of rights) must be a central objective and purpose of any initiative dealing with disarmament, demobilization, reintegration, health, education, governance, food security, water and sanitation, HIV/AIDS, employment and labor relations, social and economic security, or any other related issue. Consequently, the goal of any rights-based effort by a UN agency should be to "contribute directly" to human rights being fully realized.⁶⁰ Additionally, as mentioned in the Common Understanding, a rights-based approach does not necessarily include any actions that "incidentally contribute to the realization of human rights."⁶¹ Accordingly, we observe the claim that deliberate and explicit intent is crucial from this vantage point. A key component of such rights-based approaches is the intentionality of an outcome to directly contribute to the fulfillment of human rights.

Human rights standards and values that are codified in law serve as both

a foundation for and a defining factor in formal outcomes. These have their origins in the UDHR and other international human rights documents.⁶² Among the latter, you may find: the International Covenants on Economic, Social, and Cultural Rights; the International Convention on the Rights of the Child; the Declaration on the Rights to Development; and the International Convention on the Elimination of Discrimination against Women, among others. Various rights-based approach outcomes are also developed using national standards. Such criteria define the "rights-holders," which, in accordance with the property of universality, would include everyone. On the other hand, these methods single out specific groups of individuals who are already marginalized and at a heightened danger of having their human rights infringed.

In addition to identifying the fundamental minimum level of entitlements, the legal standards also serve to highlight the critical areas that ought to be addressed by any rights-based strategy.⁶³ Consequently, results are often presented with the premise that the 'duty-bearer'⁶⁴ must alter their behaviour in order to safeguard, honor, and complete a right or set of rights in order for them to be fully realized. Similarly, the ability of "rights-holders" to recognize, assert, and demand their right (or collection of rights) is crucial to the success of any given conclusion. The full realization of human rights as defined in international law is the foundation upon which rights-based initiatives are built, with the expectation that they will bring about positive and long-lasting changes in people's lives.

UN agencies and the significance of 'process'

Legally codified human rights standards are also used to directly guide all formal processes of any UN agencies' rights-based approach (again, whether to: development; disarmament, demobilisation and reintegration; health; education; governance; food security; water and sanitation; HIV/AIDS; employment and labour relations; social and economic security and so on). Core programme and policy processes will typically include: assessment and analysis; planning and design (inclusive of goals at various levels); implementation and delivery; monitoring and evaluation.⁶⁶ The essential human rights principles that direct these processes are based on international standards (again, as normatively defined by international law and identified above) and are directed by the following human rights properties: universality and inalienability; indivisibility; interdependence and interrelatedness; non-discrimination

and equality; participation and inclusion; accountability and the rule of law. The UN's Common Understanding offers a succinct explanation of these properties,

- *Universality and inalienability.* Human rights are universal and inalienable. All people everywhere in the world are entitled to them. The human person in whom they inhere cannot voluntarily give them up. Nor can others take them away from him or her. As stated in article 1 of the Universal Declaration of Human Rights, 'All human beings are born free and equal in dignity and rights'.
- *Indivisibility.* Human rights are indivisible. Whether of a civil, cultural, economic, political or social nature, they are all inherent to the dignity of every human person. Consequently, they all have equal status as rights, and cannot be ranked, a priori, in a hierarchical order.
- *Interdependence and interrelatedness.* The realisation of one right often depends, wholly or in part, upon the realisation of others. For instance, realisation of the right to health may depend, in certain circumstances, on realisation of the right to education or of the right to information.
- *Equality and non-discrimination.* All individuals are equal as human beings and by virtue of the inherent dignity of each human person. All human beings are entitled to their human rights without discrimination of any kind, such as race, colour, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status as explained by the human rights treaty bodies.
- *Participation and inclusion.* Every person and all peoples are entitled to active, free and meaningful participation in, contribution to, and enjoyment of civil, economic, social, cultural and political development in which human rights and fundamental freedoms can be realised.
- *Accountability and rule of law.* States and other duty-bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in human rights instruments. Where they fail to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law.

The process/outcomes axis

At the outset, we mentioned that the research participants' stories and our own observations in practice informed our aim to seek research publications that went beyond rights-based approaches. Additionally, we started to see that a new framework may be available from which many analyses may emerge. It became clear that we needed to reevaluate the possibility of using a more holistic approach as we began to convene prominent practitioners and academics. We needed a lens that could be used not only in the development sector but also in other areas where our contributors were involved, such as economic justice, peace and security, terrorism, poverty, migration, indigenous peoples' movements, military intervention, crime and justice, and development. Transnational movements operating across Europe, Latin America, Asia, North America, Central America, and Africa were also considered, along with various research locations across the globe, such as Mexico, Cambodia, Israel, Palestine, Syria, the UK, and Australia, among others. Following this was the most important linked need, which was to figure out how to distinguish human rights activities from rights-based methods without compromising on their integrity.

To that end, we use a paradigm that is founded on the United Nations' rights-based separation of procedures and their results. Aside from governmental and multilateral organizations, this paradigm is also useful for NGOs, civil society groups, and social movements. We do this on purpose so as not to imply or recommend that we are moving in the direction of rights-based approaches, but rather to place various human rights frameworks in context with one another.

A process/outcomes axis (Figure 1) forms the basis of our approach. Two important spectra of practice can be better identified by means of the two tangent lines. The process spectrum is shown on the horizontal (x-)axis, with human rights practice scaled as thick and thin. In the context of the United Nations, "processes" generally refer to the steps listed in the various agencies' methods, such as evaluation, analysis, planning, and design.

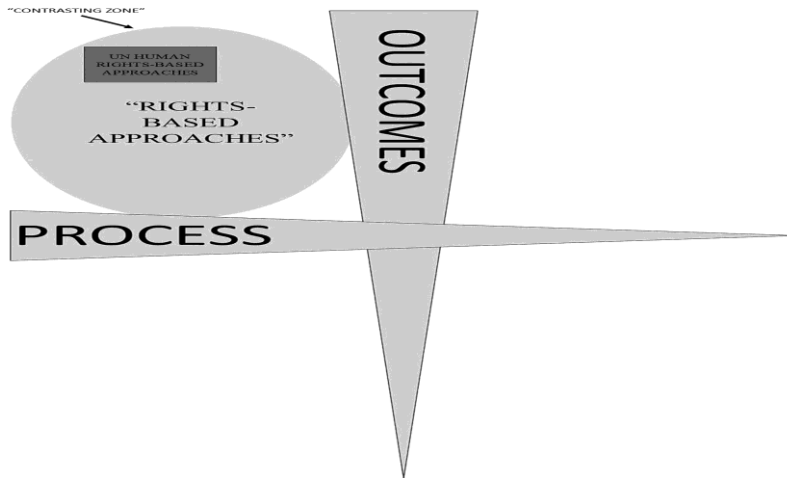


Figure 1. Process/outcomes axis.

Introducing the articles by their place in the process/outcomes axis

The articles in this volume represent an emerging critical lens through which established institutional conceptualisations and practices of human rights protection are contested.

This new area of research exposes rights-based approaches as problematic (both in their understanding of human rights and in their ability to deliver human rights protection). A reliance on a ('thick') legalistic solution to human rights problems often overlooks the social, cultural and political dynamics of the problems. Our contributors draw attention to deficiencies in rights-based approaches and offer instead examples, from across the globe, of new and innovative models of human rights work.

Jeff Halper and Tom Rifer focus on the contradiction between having rights and actualising them in their exploration of the work of a grassroots Israeli organisation in their article 'Beyond 'The Right To Have Rights': Creating Spaces of Political Resistance Protected By Human Rights'.⁸⁰ Their work is also located within the bottom-left of the process/outcomes axis. Identifying the political will of states to be the largest barrier to rights enforcement, they question whether a rights-based approach to conflict resolution is even possible? States' failures to protect human rights in practice when a legal structure is in place for them to do so, renders human rights frameworks impotent. Halper and Rifer use Israeli Committee Against House Demolitions (ICAHD) to demonstrate how activism has abandoned rights-based

approaches because a focus on ('thick') outcomes is fruitless in prolonged conflict zones. Activists are now locating new spaces within civil society in order to engage with the political dynamics of human rights, the needed piece of the puzzle in order to effectively provide human rights for all.

In her article 'Mobilising for Food Sovereignty: The Pitfalls of International Human Rights Strategies and an Exploration of Alternatives',⁸¹ Emma Larking investigates the international peasant's movement Via Campesina. Larkin's research is located within the middle region of both axis. She shows how activists have creatively engaged with rights-based approaches to issues surrounding the globalisation of agricultural markets and neoliberal interventions in food production. Her evidence challenges well established sociological conceptions of 'top down' and 'bottom up' accounts of rights development. The Via Campesina movement is presented as an innovative strategy that combines a desire for legal reform while also advocating for more radical social and political transformations. Her case study seeks to move beyond rights-based approaches into a field of practice that engages with political, social and cultural aspects of rights protection, as well as adoption and adherence to international legal mechanisms.

Finally, the last article – located at the top of the process/outcomes axis – is by Kathryn Tomlinson. Her piece 'Indigenous Rights and Extractive Resources Projects: Negotiations over the Policy and Implementation of FPIC'⁸⁷ critically examines how free, prior, informed consent (FPIC) has emerged as the focal rights-based approach to ensuring indigenous peoples are not negatively impacted, and benefit from extractive projects (e.g. oil, gas and mining). Also writing from the position of a practitioner with over 10 years' experience working within the extractive industries, Tomlinson evaluates the efficacy of using FPIC in the process of safeguarding indigenous rights. She highlights the difficulties of applying a legal framework wherein there remains a lack of agreement on what the language means, especially what 'consent' means in practice. This highlights the disjuncture between the theory of human rights-based approaches advocated by NGOs and international organisations (as located in the 'contrasting zone' of the process/outcomes axis), and practical problems of delivering this approach (which therefore moves Tomlinson's research to the top-right position of the axis). Tomlinson provides critical examples which include governments' reluctance to confer 'veto' rights to indigenous peoples and mining companies' lack of understanding of how to implement FPIC in practice.

This volume reveals the tension between research and practice and the

emergence of a new way of thinking that goes beyond the hegemony of rights-based approaches. It begins a dialogue between practitioners, activists and scholars on how to improve the effectiveness of human rights work by using a wider variety of human rights methodologies.

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