CHAPTER 3

ANALYTICAL DIMENSIONS OF THE STUDY

3.1 Introduction

Human rights provide an internationally acknowledged frame of reference for human development. However the human rights based approach is a contested field in development discourses and practices (Andreassen 2007). Some regard it as a new conceptualization of development, with transformatory processes and practices. But there are sceptics too, who doubt its value additions and operational feasibilities. In between lies the perspectives which neither romanticize nor dismiss it. The uniqueness of the approach examined in chapter 2 of this study reveals that it has definite analytical dimensions. Beginning with a discussion of the theoretical base, this chapter looks at the approach in its analytical dimensions with the objective of developing an analytical framework.

3.2 Theoretical base

An appropriate theoretical space for the present study could be located in the capabilities theory of Sen, and in the additions made by Nussbaum and Clark⁴. The capabilities theory of Sen provides a cross disciplinary bridge between economics and human rights (Wizard 2006). Its theoretical extensions to the freedom-centred perspectives provided another background. Together these formed the theoretical motivations for developing an analytical framework.

The theory is rooted in the conception of development as an expansion of human agency. Its process is the enlargement of people’s choices through greater freedoms and the arrangements for the same. The outcome is the expanded agency, reflected in the capability of each individual to lead the life she or he values. Freedoms enhance the ability of persons to help themselves and to influence the world with which they interact (Sen 1999b:18-19).
Development is a combination of distinct processes with broad characterizations (Sen 1985). The processes include the provision of adequate social opportunities through which individuals can shape their own destiny and help each other (Sen 1999b:11). Thus it involves on the one hand, the role of multiple agents who are obliged to provide opportunities, and on the other hand, the real agency of each individual who is responsible for proper use of all opportunities. On both sides the agents are responsible for commissions and omissions. The theory establishes a two-way relation between the social, economic and political arrangements that expand freedoms, and the use of individual freedom not only to improve the respective lives, but also to make these arrangements more appropriate and effective. The outcomes of development are relative to the processes involved (Sen 1985; 1999b; 2002).

Within this theoretical scheme, lies the specific perspectives on human rights. Sen (2002) asserted that there “are no royal roads to evaluation of development”. Any evaluation should be consequence-sensitive. It should be based on the principles that do not lead to the gain of some at the expense of others. The principles are plural. Human rights fall in this category. Sen (1999b) established that a human rights based evaluation can complement the capabilities approach. Human rights have intrinsic, instrumental and creative roles in human development.

The theory supports the valuation of positive and negative freedoms and the elucidation of a class of human rights that focus on the valuable things people can do and be (Wizard 2006). Sen’s theory favoured the inclusion of many rights based on the social choice procedures that fully respect individual liberty. But the theory stood for non-absolute inclusions that fully accommodate the limit to human rights. The things that people value are certainly important. However their valuations and choices in the domain of human rights should not be “non-admissible” (Sen 1999b; 2002). Each individual has an obligation not to choose a “non-admissible” opportunity component that might protect own freedom, but might harm others. Development depends on the balance between the exercise of individual agency and the reasonable restraints needed for larger societal interests.
Any evaluative system of development should identify and prioritize the freedoms people value. Sen did not categorize capability rights. But the theory stated the role of a public consensus in listing out the opportunity components that people value. A balance could be struck between the universally valued opportunities and the culture specific ones valued by people. The positional characteristics could be known from the perceptions of people themselves, without compromising the objectivity of the enquiry. This solves the objective-subjective dichotomy also (Sen 2002; 2004).

The incorporation of human rights fits into the process-outcome conceptions of human development. Sen’s theory stated that human development involves ‘freedoms from’ and ‘freedoms to’, ‘rights from’ and ‘rights to’, and ‘obligations from and obligations to’. The multiple agents involved should not only refrain from interferences that generate harmful consequences, but also act positively to create, provide and expand freedom enhancing opportunities qualitatively (Sen 1999b;2002).

There is mutuality between rights and duties. Every right entails a corresponding duty. In a rights based theoretical frame, there is a mutual exchange of obligations between all agents comprising providers and right holders. Sen moved beyond the dichotomy between perfect and imperfect obligations. Even if duties are not identifiable in terms of specific duty bearers obligations do not cease. Resource constraints are no excuses. Obligations exist to provide policies and programmes ($p_x$) that promotes the achievement of ($x$). Sen (1985; 1999) regarded the rights to these as “meta rights”.

The outcome of human development processes is the continuous expansions of reasoned agency of each individual. An expanded agency is capable of exerting informed choices. These choices fine tune the subsequent valuations and processes (Sen 2004).

The framework that could be derived from the theoretical background is outlined in the sequence shown below:
Focus on people → Identification of the opportunity components valued by people → Operation of the process environment comprising provisioning and usage → Assessment of the quality of provisioning and usage → Expansion and evaluation of the real agency of all agents on both sides → Enhancement of qualitative opportunities → Expansion of freedoms and capabilities → Practice and evaluation of informed and reasoned choices → Perpetual expansion of the efforts for human development.

Amid all the strengths imparted by the theoretical backing, lie the gaps too. These are related to the analytical specifications needed to explain the human rights based approach to human development. The approach is basically a conceptual one, directed towards evaluation and operationalisation (OHCHR 2004). At its present stage in literature and practice, it is on the lookout for analytical inputs that would serve to bring out its conceptual, evaluative and operational feasibilities (ibid). Hence there is a need to move beyond the theoretical space, without losing its fundamentals and thrusts.

### 3.3 Analytical Requirements

A human rights based approach to human development has three dimensions—human development, human rights and the integration between the two. The analytical field of each of these has certain gaps. As an approach it needs to fill in these gaps.

Human development and human rights stand with gaps in analytical foundations. The human rights based approach has an already established normative framework in related literature. However its evaluative and operational potential has not yet been analyzed. Hence the approach itself shows gaps. The gaps in each of these three dimensions are the requirements in the analytical field of each.

#### 3.3.1 Requirements in the analytical field of human development

The concept and theories of human development are essentially people–centred, with focus on capability expansions in human lives. There are two spheres in human lives—the individual and the collective. Normatively there is no conflict
between these two. The advancements in both are mutually reinforcing. However the evaluative considerations in human development tend to disregard the connections between the two. Hence the analytical base needs proper conceptualizations of the two spheres in human lives. The process and indicators of human development require specifications on the norms of the essential complementarities between the two spheres.

Conceptually and theoretically human development is about the inclusion of all in the expansionary process. However the practical experiences reveal divergences between the declared and the practised objectives of human development. Its analytical side is characterized by the emphasis on measurable aggregates. However it requires norms validating the focus. Otherwise it falls short of identifying the reasons behind varying levels of achievements and failures.

Human development is not just a normative goal. Its concept and theory is directed to its process side too. There the basic requirement is the identification of the contents of human development in tune with its focus and norms. This demands the listing of the capabilities that people value. Sen (1985) regarded it as objectively incorrect to prescribe a predetermined “canonical list of capabilities”. However Sen (2004, 2005) reshaped his arguments by raising objections not against the listing of important capabilities, but against a list prescribed by theorists without any general social discussion or public reasoning. This provides enough ground for a list of capabilities. Alkire (2002: 28-30) regarded flexibility as a merit of Sen’s views on capability listing. Nussbaum (2000) insisted on the consensus of all members of a society on the list of capabilities. She argued for considering the sensitivity of each capability to local particularities. Besides, the list of capabilities itself is subject to revisions (ibid). Clark (2002) in his survey of common urban and rural poor in South Africa found out that all people shared a common vision on the list of capabilities. This consensus brings out the need for basing human development on universally accepted and acceptable constituents of capabilities. Such a base needs to incorporate cultural relativism too. Thus the analytical field requires a blend of universal and context specific delineation of the constituents, that are the opportunities for human development.
The constituents of human development are the opportunities needed for worthy lives. However human development is not an automatic achievement of these opportunities. Human development is to be assessed in terms of the opportunities that people have to choose and participate. Sen (2002; 2005) related capabilities to the process and the opportunity aspects of freedom. The process aspect is concerned with whether or not a person is free to take decisions himself with immunity from interference by others and with autonomy. An individual’s actual freedom to achieve things that he wants and has reasons to value forms the opportunity aspects. These denote the opportunities to achieve valuable functionings. The theoretical formulations on these opportunities suggest the role of the social, economic and political arrangements providing the same. However the evaluative tools of human development require the analysis of how outcomes came about. This requires the specification of the process of human development in terms of the obligations or responsibilities of different actors and institutions.

The process of human development is basically a formal arrangement of opportunities for all. Universally, every individual requires certain norms and standards in the process of creation of the constituents of human development. These bring individuals to the formal set up where facilities are created for capability expansions. The creation process denotes the sensitivity of outcomes to the social, economic and political arrangements. However the existing perspectives on human development need a base incorporating the process aspects of the formal creation of opportunities.

Chambers (1997; 2005) reconceptualised development in terms of responsible well-being. Human development demands self critical personal reflections. The formal arrangements form a part of the responsibility framework. However human development is a shared responsibility too. The conceptual and theoretical formulations of human development consider not only the formation of capabilities through formal arrangements, but also through the quality and use of these opportunities. The process side becomes complete by the effectiveness of the formal opportunities created. This demands the inclusion of the elements of the highest attainable standards of arrangements as well as the responsible use of these by people in the analytical base of human development.
Normatively the process of human development leads to advancements in the entire capability set comprising economic social, cultural and political constituents. However, positively, norms and practices diverge, as proved by achievements interspersed with failures in advancements. The faulty translation of norms into effective processes lies behind this. Conventionally human development has been evaluated by measurable outcome indicators alone. But its concept and theory demand a different characterization of outcome. A wide range of universally accepted facilities marking the capabilities set call for the specification of outcomes in terms of the attained states. These are achievements or failures, in degrees varying across different facilities. The people-centeredness demands the evaluation of such states by people themselves. Here human development needs matching norms and evaluative standards in the analytical base.

Conceptually and theoretically human development is about an expansion. It is not a final state, but an evolving state, from one phase to another. It could be reflected as improvements in achievements, or as rectifications of failures, or as both. However the usual assessments are done perceiving human development as the ultimate state characterized by achievements or failures, or both, in quantifiable dimensions alone. Human development needs assessments of the extent to which norms and institutions provide opportunities for both improvements and corrections. This necessitates a base that accounts human development as continuous process, nurtured by new demands arising from the attained states.

3.3.2 Requirements in the analytical field of human rights

Human rights focus on the uniqueness of the individual. But there have also been considerations of collective spheres in the lives of men. The natural law and the libertarian traditions focused on the individual civil and political rights. However collective rights gained importance with the gradual rise of economic, social and cultural rights. Despite all the integrations among rights, the conflicts between individual and collective rights remain a fundamental paradox (Kallen 2004: 17). Reifed (2000:15) classified the conflicts into three – 1) conflicts between
individuals and groups claiming the same right, but with different interests; 2) conflicts between different but equally legitimate rights of individuals or groups; and 3) conflicts with the interests of the state. The analytical field of human rights demands a move from the conflicting modes to a “symbiotic mode” of mutual reinforcements between individual and collective rights (Murumba 1998: 2009).

The concept of human rights is based on normative principles. However each one has been characterized by polarized interpretations, all of which require analytical rapprochements. The bipolarities are examined below:

- **Universality and Relativism** - Universality is a key element of the human rights vision. Philosophically and by the norms of the natural law, a universally fixed human nature and its quest for dignity makes human rights universal. The positive legalist interpretations found in the acceptability and formal ratification of various human rights instruments suggest that human rights are not exclusive to any specific culture or nation. However this principle has been dismissed as a western imperialistic design to enforce its own standards in other nations holding different cultural values. The cultural relativists focused on collective rights (Pollis 2002: 10-12). A radical version appeared in the Bangkok Declaration issued in a summit of the South East Asian leaders in 1993. The Asian values arguments highlighted the significance of regional particularism in understanding human rights. Besides, the low priority given to economic and social rights by the Western block showed that universality was a myth. However the dichotomy between universalism and relativism requires a balanced approach which has an accommodative base incorporating both arguments.

- **Indivisibility and hierarchy** – All human rights are complementary. However the principle of indivisibility has been questioned on practical grounds. All objections are biased against welfare rights. These are either regarded not as basic (Beetham 1995) or as imposing cost burdens (Marshall 1950). However such conflicting ideas arise from misconceptions (Kannan and Pillai 2004). The essential indivisibility of human rights needs to be interpreted on the basis of a wholeness approach.
• **Equality and efficiency** – The human rights system is based on the principle of equality. However it has been debated in terms of the potential disincentives to bring out the efficiency in individuals. The principle requires a base that treats both equality and efficiency as complementary.

• **Rights and duties** – Human rights are correlated with duties to respect the same. The effective source of rights is not the individual who possesses it, but other individuals who consider themselves as being under certain obligations towards him (Weil 1949: 3). Sen (2000) saw this mutuality between rights and duties as the differentiating feature between human rights and the concept of freedom. Freedom carries no correlated obligation to bring about a greater realization of freedom. Human rights carry with them obligations.

However the nature of obligations has been debated. Following the Kantian conceptions (Kant 1965 [1798] of perfect duties and imperfect duties, the human rights discourses categorize obligations as perfect and imperfect. Kant explained perfect duties as duties of justice, the non-performance of which constitutes a wrong, recognized so by external legislation. Imperfect duties were regarded as duties of virtue, based on ethics. Perfect obligations have specific duty holders. But imperfect obligations are general commitments, with no specific addressee. This nature has been used as a justification to rule out social and economic rights which involve imperfect obligations. These are dismissed as non realizable. However this contested field in human rights needs more analytical probes.

• **Positive and negative duties** – The former suggests correlated duties of duty bearers to provide something for the right holders to realize rights. The latter relates to the duties to refrain from intentional interferences and coercion. However this division is misguided (Shue 1980: 51-64). O’Neill (1986: 113-114) believed that no right could be secured by mere non-interference. It requires positive actions too. However modern human rights discourses have sidelined these duties (O’Neill 2002). Human rights require justified explanations that recognize both duties.
- **Rights and freedom** - Human rights are essentially to secure freedom in the quest of well-being and dignity of all people everywhere (UNDP 2000:1). The connection between human rights and freedom extends to the conceptualizations of violations of human rights as unfreedoms. Freedom also is viewed in positive and negative senses (Berlin 1969). Positive freedom of an individual denotes the presence of something that offers possibilities to him to determine his life and to realize its objectives. Negative freedom is the absence of external constraints in an individual’s life. If the human rights system overemphasizes civil and political rights positive freedom would not be given the due recognition. It should have the required space for including positive freedom too.

- **Justiciability and non justiciability** – Human rights precede law. These are derived not only from law, but also from the concept of human dignity. Pogge (2002) stated that human rights should be conceived primarily as claims on coercive social institutions and secondarily as claims against those who uphold such institutions. Legal rights do not ensure such claims. The access to human rights is a moral task. It need not be equal to a justiciable claim (Sen 2002; Uvin 2004).

Non justiciability is not a limiting factor. However the issue is to be addressed on the basis of an approach which brings out the conceptual correspondence with moral rights.

In addition to the requirements raised by the above said conceptual divisions, human rights suggest operational and evaluative gaps. The entire human rights system provides a universally applicable list of various rights. These are justified claims and entitlements of people in all nations. However the core of people-centeredness demands verifications of contextual particularities too. The universally recognized rights need to be specified as unambiguous constituents that are also instrumental for realization of human rights.

As human rights move from its being as a normative concept, to its position as an operational concept, it translates from declared entitlements, to a process. All the entitlements become the opportunities that must be arranged by norms and
institutions. The opportunities with social, political and economic characteristics involve formal processes of creations and provisions. However the normative framework of human rights demands a base that identifies the process aspects.

Conceptually human rights stand for the creation of full opportunities for realization. The process side needs assessments of the effectiveness of the formal arrangements. This depends on the quality of the opportunities provided. Another factor is the use of opportunities by the right holders. The normative elements inherent in human rights need additional analytical base specifying the aspects of accountability of duty bearers and moral responsibilities of rights holders.

The next stage in the conceptual sequence is the realization of human rights. Human rights can never be fully measured merely in statistics (UNDP 2000: 90). The realization needs assessments of the states of achievements. Non-achievements are violations of the process aspects. The conventional system of human rights provide for monitoring mechanisms. However the norm of people-centeredness demands participatory evaluations of the states of achievements and failures.

Being multidimensional the states characterizing realizations and non realizations are not final. Each state corresponding to each constituent is a transformative process too, to higher levels of achievements. The analytical field of human rights requires assessments of the transformed demands arising from the attained states.

### 3.3.3 Requirements of the human rights based approach to human development

The approach is normatively and conceptually sound in its bases. However mere statements of these would make the approach aspirational. Its evaluative and operational fields require the analytical bases provided by the approach.

#### 3.3.3.1 Evaluative requirements

The present system of evaluation is based on the human rights standards in various documents. These are the minimum acceptable levels of desirable
outcomes. The indicators monitor outcomes of programmes for human development. These get evaluated on the basis of the measurable outcome indicators. The insistence on measurability restricts the analysis to the macro level for the sake of data availability. Micro level analysis is limited by data constraints of outcomes. However this omission goes against the rooting of the approach on the real lives of people. In the real planes of human lives, evaluations need micro level focus. At the micro level family is the basic unit reflecting the lives of individuals amenable for evaluation of human development positions.

Being conceptually rooted in a normative system suggesting what ought to be the process of human development, the evaluations using the approach needs the base of its principles. Mere evaluations of outcome indicators as well as nonspecific evaluations of process indicators go against the purposes at micro levels.

A major requirement at the micro level is the identification of what people value as the constituents of their development. Life being multidimensional, the valued components would be many, with social, cultural, economic and political bearings. The identification of each involves objective and subjective considerations. Besides, each facilitating constituent needs an identification of indicators shaping its overall nature.

The evaluation is essentially on how the opportunities are created. It involves the incorporation of process indicators framed on standards of obligations. In the present evaluative modes, the approach uses the process indicators in the analytical matrix models employed by the Committee on Economic Social and Cultural Rights (CESCR), the monitoring body of the implementation of the International Covenant on Economic, Social and cultural Rights. The General Comments of the CESCR have interpreted the right to development in terms of the contents of the rights to food, education, health and water and sanitation in a 4-A’s framework, as listed below:
• **Availability** – related to the economy, the policies that ensure sustainable growth of material and human resources with macro economic stability and efficient allocation of resources.

• **Accessibility** – related to the distribution of resources and the ways in which the benefits of the process reach everybody without discrimination, especially the most vulnerable and marginalized sections.

• **Acceptability** – related to the culturally appropriate and good quality realization of rights by the state.

• **Adaptability** – related to the policies designed to take care of the diverse needs of different sections of the populations, especially the vulnerable, marginalized and the difficult to reach groups².

Besides, these General Comments have located the state as the primary duty holder. Various treaty bodies monitoring the implementation of human rights have specified operational guidelines for evaluating obligations of the state. These include 3 levels of obligations – respecting, protecting and fulfilling, each one of which is interrelated with the other (UN 1999, 2000, 2002).

The ‘obligations to respect’ means that the state must abstain from carrying out or tolerating any violation of the right in question by the agents of the state. By the obligations to protect, the state is required to prevent the violation of the right by other individuals and non State actors. The obligations to fulfil maintain that the state must provide the resources and services, and promote and facilitate the creation of an environment for the realization of the right.

All these evaluation forms demand analysis based on perceptions of people. Their assessments on the opportunity structures form the core. Beyond the formal opportunities, the effectiveness of these too needs evaluations. This requires the analytical base where the quality of the opportunity structures and their utilization by people are given due recognition.

The evaluative system of the approach has a target in continuity with the process evaluations. All assessments of the formal and effective processes connect to the
next sequence of assessing outcomes. The human rights based approach does not conceive a uniform state of being. Hence the evaluations based on the approach need to identify the different states of achievements. These depend on the combined operations of the formal and the effective opportunities. The nature of evaluation needs to incorporate the fact that the states reflect positions of both human development and human rights together.

Conceptually the approach views the attained states, be that successes or failures, as particular phase which is not permanent and final. On the evaluative side, each state is an indication of hopes and challenges. The frame of evaluation needs to be based on those striking features of the approach which aid this task.

3.3.3.2 Operational requirements

The ultimate relevance of the approach lies in its effectiveness in the operational field. One established merit of the approach is its application is the implementation of specific developmental projects at micro levels. This involves identification of the needed facilities, intervention methods and monitoring mechanisms, all with participation of people. Such micro applications provide ample scope to address any development issue. However the application aspects need to reflect the holistic nature and wider dimensions of the approach. Otherwise it would lead to a paradox of broad conceptions and narrow applications.

Conceptually the approach is tuned to micro contexts. Its operationalisation needs to be based on this focus. Appropriate contextual levels need to be identified.

The normative frame of the approach, when operationalised needs clear specifications of the standards that ought to take effect. This necessitates an analytical base with indications of the standards on goals, processes and outcomes.

At the operational level the approach is designed as a process. This requires an identification of the opportunities relevant for the human lives at micro levels. The next state is the implementation of the conditions required for the
opportunities, as formal and effective structures. Here the influencing and interacting macro level contexts that specify the resource availability and allocations, and the institutional and policy supports need considerations. These require an analytical foundation giving recognition to accountability and its componental aspects.

Each outcome reached by the operational process is a state of achievements or failures or both, corresponding to each opportunity component. This becomes the process component for higher states. The operational field requires the identification of the states and of the resulting situations demanding improvements and rectifications.

3.4 Analytical Base

All the requirements in the analytical fields cited in section 4.2 suggest the need for a base holding the potential to address these. Any approach becomes a base only if it has this potential. Hence the human rights based approach to human development is examined in its base-providing positions.

The bases needed in the analytical fields of human development and human rights, and in the evaluative and operational fields of the human rights based approach are all centered on 7 aspects:


All these aspects in each field of enquiry stated above, receive inputs from the analytical bases of a human rights based approach to human development.

3.4.1 Base 1 : Basic unit of focus

A human rights based approach to human development is focused on people. It is rooted on the individual dignity and worth of man. But the concern includes man in group too. It balances the demands in personal and collective spheres of human lives.
Its normative frame is provided by the international human rights system. The inherent dignity of each member of the human family is recognized. This gives each one equal human rights too. Each right is for individual advancement of capabilities. However the approach is also rooted on the concept of duties of everyone to the community including other members. This community includes all collectives, starting from the family. The approach recognizes the entitlements of all individuals. The entitlements are all for mutually complementary advancements. The individual entitlements that hinder improvements at collective levels do not count in the human rights based approach to human development. Also, collective entitlements that thwart the individual abilities are not considered. The approach conceives human development as a multilayered process which aims at the constant improvement of the well-being of the entire population.

In such a conceptual focus, human development gains a value in its focus. It becomes an individual and a collective responsibility. Its evaluative focus reorients to the conceptual complementarities between individual and collective spheres. The mutual reinforcement between these two supports the analytical field of human rights too. Each right becomes an integrating factor, posing no possibilities of clashes.

The due recognition of the co-operative existence of entitlements of man in his self and man in group strengthens the evaluative base of a human rights based approach itself. It provides justification for fixing the evaluation level at households. Household units represent the most basic form of mutuality. The evaluations of human development at this level, using the human right based approach, provide frames for assessing the contexts and patterns. Each household is a space of intra and inter exchanges and relations. It expresses the basic balance between individual and collective spheres. Operationally too, the approach gives a frame of reference at the micro level, to identify circumstances, process and impacts.

Thus the focus on people gets an analytical specification through the approach. The value additions from this base are shown in figure 3.1.
3.4.2 Base 2: Guiding principles

A human rights based approach to human development is a conceptual framework holding the principles derived from international human rights system.

Equality is one principle. The approach is clear in its conceptualization of equality. Being a process-oriented approach, it stands for equality and non-discrimination of the opportunities to realize human development. Everyone is equally entitled to have access to these opportunities. It will not be denied on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. No discrimination would be made on the basis of these circumstances which are beyond one’s control.

Equality of opportunities implies improvements in the efficiency of all. The inequalities that persist even after the operationalisation of this principle are the results of differences in the efforts put in by the users of the opportunities. A human rights based approach to human development ties rewards to the contributions of right holders. Users of entitlements get the rewards of their
contributions and efforts. Thus the principle of equality of opportunities is complemented by the emphasis on the use of opportunities.

Such a qualified version of equality, upheld in the approach is closely related to another principle, namely participation. All individuals are equally entitled to participate in and contribute to human development. Participation is an opportunity to take from and give to the process of human development. Its forms range from voices on the constituents of human development to decisions on opportunity structures and functions.

The approach is based on the frame of universally applicable constituents of human development specified as entitlements. However it is also centred on the perceptions of people themselves on the constituents which they value for lives with dignity and worth. Thus the approach holds a list of universally accepted entitlements and is flexible enough to allow for contextual differences.

Another principle is indivisibility of the constituents. The approach draws on indivisibility of human rights. All constituents are equally important.

The entire set of opportunities for human development are to be provided in an environment marked by the principle of accountability. The approach correlates rights and duties. It provides for specifying both perfect and imperfect obligations. No constituent of human development is dismissed for having no specific duty holder. The approach allows for the moral obligations of various agencies. Its focus is on the process of obligations rather than on specification of actors. Even if actors cannot be located there are certain process aspects of obligations. These are the universally accepted standards providing opportunities to all and of using those opportunities.

All these principles of the approach connect to the analytical requirements cited earlier. Human development conceived as the expansion of human capabilities gets analytical directions on how the process is to go on and the result is to be delivered and acquired. Without the direction, it ends up as just another expression of utility-based and charity-based restrictive conceptions of development. Besides, the normative directions, the principles of the approach
give positive indications for evaluating the ways of human development as experienced in the real field.

Human rights characterized by the polarized views on its principles, derives from the approach norms unifying the divided conceptions. When directed towards human development, each extreme position on principles of human rights outlined in section 4.2.2, moves to the position demanded by analytical requirements of human development. The conceptual and theoretical fields of human rights get the rapprochements needed to serve this purpose as listed below:

1. A balanced approach accommodating universalism and relativism
2. Complementary treatment of equity and efficiency
3. Specification of moral obligations of duty bearers on the basis of accountability aspects in the creation and utilization of opportunities.
4. Due recognition of both positive and negative duties and the overlapping.
5. Inclusion of both positive and negative freedom, necessitated by the requirements of human development to have not just non-interferences in the personal sphere of life, but presence of positive possibilities in the personal and public spheres, for expanded and reasoned choices and capabilities as well.
6. Conception of realisation of human rights as a moral task that need not necessarily be justiciable.
7. Recognition of participation as a norm and process.

The evaluate field of a human rights based approach demand the base of the conceptually inherent principles. All the evaluations using the approach need to be set on its principles for clear assessments of the dimensions, processes and positions reflected at the micro level unit of evaluation. The operative field too gets the base for determining its objectives and processes.

Figure 3.2 shows the base given by the principles of the approach.
3.4.3 Base 3: Components of opportunities

A human rights based approach to human development is a conceptual framework operationally directed to realizing both human development and human rights together (Osmani 2005). In its conceptual form it is both a norm and a process. Both forms are about designing and operationalising expansion of opportunities for all to lead lives of dignity and worth. Being focused on the norms and realities of human lives, the approach has a firm rooting to identify the opportunities needed. The international human rights standards provide a list of universally recognized opportunity set comprising civil, political, social, cultural and economic rights. Besides, the people-centeredness of the approach stands for identifying the components that people value.

Both the universal system as well as the contextual perceptions represent sources for deriving the list of capabilities needed for human development. Sen (2004, 2005) and Nussbaum (2000) favoured a list based on social discussion, public reasoning and consensus. The two sources mentioned here possess these features. Alkire (2002 : 28-30) believed that the human rights based approach holds the
potential to draw out a list of capabilities based on the perceptions of people. Polly (2006) saw the direct role of the international human rights system in specifying and justifying a capability set for human development. The enabling framework of capabilities is refined by a human rights based capability approach (ibid).

The list of components based on universal human rights standards represents an analytical base of the concept of human rights itself. However the theoretical field of human rights characterized by compartmentalized visions on negative and positive rights need integrated insights on components. The theories with the characterization of individual rights as essentially negative (Hayek 1960; Nozick 1974) concentrated only on those components that demand just immunity of individuals from deliberate interference by other people. However, the linking with human development makes it essential to consider the components that demand positive actions as well. The human rights based approach to human development combines the components with features of both negative and positive rights. Each component involves both negative and positive rights and obligations.

On the evaluative side of the approach, the list of opportunity components identifies the requirements of people at micro levels with corresponding affinities with universally recognized components. The components could be split into analytical sub divisions too representing the characteristics of each. In its operational form this base denotes the primary step of identification of priorities perceived by people and its converging dimensions across the world.
3.4.4 Base 4 : Formal process

Conceptually, human rights based approach to human development directs the multiple opportunity components to a formal process that converts norms into actions. The actions bring rights and duties together. All the normally and legally responsible duty bearers arrange an enabling process that makes each opportunity component a right to become participants and beneficiaries in development.

The approach holds not only universally applicable entitlements but also universally valued standards of obligations. Each opportunity component requires formal arrangements which would provide a facilitatory environment to all people for possessing it as a way to enhancing capabilities. The duty holders comprising multiple agents including the family, the state, the civil society, the private sector and the global sector are all involved in making arrangements for providing each component. This activates the willingness of the right holders to possess it. Together, provisions and possession make up the analytical parts in the approach.
This base provides the process aspects of human development in the distinctive terms of obligations. The normative contents in the conceptual base of human development are reconceptualised as entitlements. Norms converted as entitlements, get an analytical base on how to go about.

The normative base of human rights also derives process aspects from the approach. Being integrated with human development, human rights get an analytical focus to conceptualise, evaluate and operationalise the conversion process of norms and declared rights to universally valid aspects of obligations to provide and the right and duty to possess formal environment of opportunities.

In its evaluate mode, the approach draws on its base in assessing the formal arrangements. The universally needed obligations - steps of arrangements and provisions - could be evaluated by the people-centred perceptions on the sub-components of obligations.

At its operational level the approach gives the base to identify moral and legal obligations corresponding to each component. These could be formalized as the opportunity structures, with clear identification of the resource base and institutional set up. A human rights based approach assigns a key role to economic growth. It has an instrumental value to operationalise the approach (Sengupta 2005; Osmani 2005). The approach is rooted in the principle that all people are equally entitled to and are to be provided with equal opportunities to participate in and contribute to development. When this is routed to its inclusive operationalisation of economic growth, growth itself gets qualified to be intrinsic to human development and human rights.

Figure 3.4 presents the base in the formal process.
3. 4.5 Base 5: Effectiveness of the formal process

A human rights based approach to human development is not about formal arrangements alone. If it was so, it would have been nothing more than a qualified version of those welfare centric approaches to human development that stop with mere arrangement and possession of opportunities. But it has in it the analytical components directed towards conceptualizing the effectiveness of the formal environment of opportunities.

This approach stands for the realisation of the full worth of human lives. Each opportunity component has an effective process environment. This itself, if realized, becomes the realized outcome, and if not realized, becomes the non-realized outcome. One component in the effective environment is the quality of the formal arrangements provided. Another component is the quality of the formal arrangements possessed. The former is conceptually nurtured by the principles of the approach. All the formal arrangements possessing the normative features of the principles are effective in the quality-side of provision. The latter is based on the conceptualization of responsible use, inherent in the approach.
Each right holder who possesses the opportunity component is the user. He or she also maintains the use for higher levels of attainments. Together, the usage and maintenance forms the quality side of possession.

This base adds to the conceptual strength of human development. By nature the concept and theory of human development include the significance of effectiveness of the formal arrangements. This is regarded as a part of capability expansions, tied to social and economic arrangements. However the explanations lack procedural directions. A human rights based approach scores here. It includes the conceptual component of obligations that make the formal arrangements effective. The approach adds responsibility dimensions to the capability sets and functioning processes of all actors including the users. Viewed in this sense, human development becomes much more than an expansion of formal arrangements. It gains the analytical inputs to chart out the course to effectiveness. The evaluative base also strengthens as effectiveness is the real indicator of expansion of choices and freedom.

Conceptually human rights uphold norms and principles of quality. The basic ingredients are the multiple entitlements for lives of quality. However the polarized views on the mode of arrangements for the same weaken the analytical base. This is proved by the debates on positive and negative rights. However the human rights based approach to human development integrates both. This is justified by the theoretical explanations on integration of positive and negative freedom. Berlin (1969) reinterpreted negative freedom by shifting it from mere immunity level of non-interference. He characterized negative freedom as tied to the range and adequacy of the options and opportunities available. The extent of negative freedom depends on the absence of obstructions to expansion of choices and opportunities. Viewed from this theoretical angle, all challenges on the quality sides of human development are freedom-restricting conditions (Sen 1993). A human rights based approach to human development reinterprets the analytical dimensions delineating effectiveness of formal entitlements. Both the components of quality of provision and possession serve the base for evaluating translation of formal rights into effective ways of realizations.
The evaluative form of the approach involves qualitative assessments of the formal environment provided and possessed. This is facilitated by the quality-based analytical components in the approach.

Operationalisation implies the application of the quality-based components in the formal arrangements for opportunities. It involves implementation and monitoring mechanisms based on the requirements of making the formal process effective. The whole process draws on the analytical base in the approach; see Figure 3.5.

**Figure 3.5**

**Base 5 in the Approach**

<table>
<thead>
<tr>
<th>The base</th>
<th>Human development</th>
<th>Normative and evaluative courses to effectiveness based on the obligations of duty bearers and right holders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective environment of opportunities</td>
<td>Human rights</td>
<td>Normative and evaluative courses to effectiveness based on the obligations of duty bearers and right holders</td>
</tr>
<tr>
<td>• Quality of Provision</td>
<td>Evaluative field of the approach</td>
<td>Quality based analytical components to assess effectiveness of formal arrangements</td>
</tr>
<tr>
<td>• Quality of Possession</td>
<td>Operational field of the approach</td>
<td>Conversion of formal entitlements into effective practices</td>
</tr>
<tr>
<td>The corresponding moral or legal obligations or both</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Quality based arrangements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Responsible use</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 3.4.6 Base 6: States of attainments

A human rights based approach to human development is a normative framework of processes directed towards realisation of human development through human rights and of human rights through human development. Its analytical components and ways are process indicators. The approach characterizes outcome aspects too, in a unique way (Marks 2005).
Each opportunity component is perceived to be realized through the norm and processes of formal and effective arrangements. The outcome is a state of attainments, as perceived by people. Its indicators are not the measurable macro aggregates, but qualitative reflections of the states of process aspects. The approach with focus on micro levels and people’s participation puts people at the centre of perceiving outcomes. The realized states correspond to each opportunity component, the formal and effective arrangements for it, and their utilization. The outcome aspects in the approach include a combination of all these. Together, the result could be an achievement or failure of processes in each opportunity component, or achievements in some and failures in others. Thus the approach has a qualitative analytical base that does not separate the process and outcome aspect. The process itself is the state of outcome (Osmani 2005). That state tells about the realized and non realized realities of both human development and human rights.

The approach considers every individual as equally entitled to the opportunity set and principle-based processes. Hence the states of realisation in each component and in the whole set are absolute. The micro level collectivity of each household comprising individuals has an absolute position of achievements or failures or both. It is not conceived in terms of relative achievements across households. It is just relative to the formal and effective circumstances on the process side of each opportunity component.

The conceptual frame of the approach includes various opportunity components reflecting the chances for each household as a single unit, as well as for the vulnerable members of the household including women, children, old aged and the differently abled, if any. This is justified by the special consideration of vulnerable groups in the international human rights system with special provisions for them (see Appendix 4). Hence the absolute position of each household unit also reflects the absolute position of each member of it deserving special concern. Here again the absolute state is relative to the formal and effective circumstances.
The approach does not dichotomize subjective perceptions on and objective indicators of the states. Being a human – centred approach in all ways, it looks in for people’s perceptions. At the same time the concern is to know the realities about human development and human rights. These cannot be fixed by the objective standards imposed by the visions of outside experts. The subjective perceptions of each household unit and its members is also an objective indicator of their positions. It is “positionally objective” (Sen 2000a) reflecting the contexts of life observed by the participant member. The observer is the people. Each one forms a part of the reality of processes and positions. Hence the outcome is not a macro level data set, based on external cognition. It is an inner feeling of the right-holder who is also a participating and a contributing duty-bearer.

Both human development and human rights gain from these analytical insights of the approach. Human development gets liberated from the restrictive evaluative standards of conventional outcome indicators. Its conceptual and theoretical demands for process sensitive and people-centred evaluations, get an analytical base.

The conventional system of human rights perceives outcome of realisation in terms of ‘freedom from’. But a human rights based approach stands for ‘freedom to’ also. Each component is realized through processes providing the freedom to expand capabilities. The realisation is relative to processes. Non-realisation of those needs that have no link to capability expansions do not count as violations of rights, as those are not countable as human rights. These are just claims non convertible as human rights. A human rights based approach regards only the non realisation of those entitlements that are rights-based and capability-enhancing, as violations and failures. Thus the approach gives an analytical direction to the outcome side of human rights as well.

As an evaluative form the approach derives analytical base from its conceptualizations on outcome. Along with an assessment of the states of attainments the base provides for identifying the opportunity components and the process aspects in relation to the absolute states. This brings out the areas
requiring special policy considerations and facilitations. The operational field of the approach takes from this, the forms of policy designs and levels of facilitations; see Figure 3.6 for a presentation of the base examined above.

**Figure 3.6**

**Base 6 in the Approach**

<table>
<thead>
<tr>
<th>The base</th>
<th>Human development</th>
<th>Evaluative standards matching Theoretical dimensions. Processes sensitive and people centred evaluation of outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outcomes as qualitative states of attainments perceived by people</td>
<td>Human rights</td>
<td>Evaluative standards integrating positive and negative rights process-sensitive evaluation of outcomes</td>
</tr>
<tr>
<td>Processes as outcomes</td>
<td>Evaluative field of the approach</td>
<td>Conceptualization of outcome as absolute states perceived by the participating and contributing right holders’ identification of the opportunity set and process aspects that need special attention.</td>
</tr>
<tr>
<td>• Absolute states relative to processes</td>
<td>Operational field of the approach</td>
<td>Shaping of policy designs and levels of facilitations</td>
</tr>
<tr>
<td>Objective positions of subjective perceptions</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 3.4.7 Base 7: Continuing process for constant improvements

A human rights based approach to human development conceives a perpetual process. Each state of outcome is perceived as an indication. It indicates the need for maintaining and improving achievements and correcting failures. There is no end to the process. Normatively the approach regards human development as consistent improvements in the well-being of all individuals. This denotes a move to higher levels. Each move creates a new demand for advancements. These demands become visible by the exercise of responsible individual and collective agencies, informed, capable and willing to move up. The cycle goes on actively,
conceptually and practically consistent with the ever-folding fields of human development and human rights. Even if the demands lie passive the cycle still goes on, with manifestations of persisting states.

This base in the approach gives to human development and human rights the analytical specifications of continuity. The approach extends the base to its own evaluative field too. Each hope and challenge gets assessed. The operational field gets enough analytical foundation to evolve human rights based structures and functions, matching the continuing urge and processes. This base is illustrated in figure 3.7.

**Figure 3.7**

**Base 7 in the Approach**

<table>
<thead>
<tr>
<th>The base</th>
<th>Human development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Human development is perceived as a continuing process for constant improvements.</td>
<td>Analytical specifications of continuity to higher levels</td>
</tr>
<tr>
<td>Human rights are perceived to be activated by transformed demands arising from particular states of achievements and failures</td>
<td></td>
</tr>
<tr>
<td>Evaluative field of the approach</td>
<td>Analytical specifications of continuity to higher levels</td>
</tr>
<tr>
<td>Operational field of the approach</td>
<td>Assessment of hopes and challenges, new demands for accountability</td>
</tr>
<tr>
<td></td>
<td>Evolution of new human rights based structures and functions</td>
</tr>
</tbody>
</table>

3.4.8 Basic integrative mode of the analytical base

Each analytical base cited above suggests the gains of human development when rooted through a human rights based approach. It is also suggestive of the qualified conceptual and evaluative forms of human rights. Both human development and human rights move to refined ways of conceptualization and evaluation. Besides human rights based approach to human development itself
becomes more amenable for evaluation and operationalisation, through the specification of the analytical constituents and sequences.

The whole analytical base also reveals a basic integrating mode of the approach, namely, the integration between human development and human rights. Both the concepts are different. But both are integrated by common motivations and concerns. This feature is obvious in a human rights based approach to human development. The analytical base suggests that the two concepts are different but inseparable aspects of the same process. Uvin (2005) regarded the two as “different strands of the same fabric”.

Human rights and human development have been conceived in field literature in terms of intrinsic and instrumental relations between the two. The analytical base of a human rights based approach reflects these relations through its process aspects.

A single thread runs through the whole analytical components in the approach. It ties together the two different concepts of human development and human rights. Both are perceived as parts of the same process of creating and utilizing the social, economic and political environment for realizing multiple opportunities. Each is a natural part of the other, being intrinsic aspects of the same process, conceptually, theoretically and operationally directed towards realizations of both together.

Within this intrinsic nature lies the instrumentality. The process side in the approach suggests the ways by which one becomes a means to the other. Human rights serve as the process values to human development, as explained earlier. The approach views human development too as instrumental to human rights. Its basic ingredient of capability expansion makes it an instrument in the processes directed towards realisation of human rights. The widening of capabilities enlarges the opportunities and conditions for human rights (Marks 2005).

Thus the approach visualizes a movement of both together, as integral constituents of the same process and as instruments to the same process. This
integrated vision provides scope for putting both concepts in a single analytical framework.

3.5 An Analytical Framework

The analytical base in the approach could be developed into a framework. This section gives an analytical framework for contextualizing, conceptualizing, evaluating and operationalising a rights based approach to human development. It forms the frame of the empirical analysis in this study.

3.5.1 A framework for contextualization

The underlying micro orientation of a human rights based approach makes it relevant for contextualising the field of enquiry. This approach is a way of looking at the realities of human lives (Uvin 2005). Hence it is examined in figure 3.8 in terms of its analytical components that serve to contextualize a study on human development, with the primary focus on people.

![Figure 3.8](image-url)

A framework for contextualization

A human rights based approach to human development is an explanatory account of the dynamics of participatory and contributory development of all in a variety
of social, economic and political arrangements for the same. Its core concerns are not about being a magical prescription for ideal patterns, but are about understanding the processes behind particular states of “beings and doing” in human lives. The first step in this direction is an understanding about the surroundings characterizing lives of people.

The approach gives equal weight to individual and collective lives, both tied to larger interests of overall human development. For analytical purposes favourable for evaluative and operational conveniences, a household could be taken as a reliable unit representing contexts of human lives. Within it, individual specific contexts could be represented, with full analytical scope for accounting intra household positions. Hence the contexts of life have individual and household level outlines.

A human rights based approach recognizes national and regional particularities shaping courses of human development and human rights (Osmani 2005). Hence the contextual positions could be regarded as subsets of the larger collective contexts. Here again evaluative and operational considerations demand the fixation of the immediate regional levels as the contextual units. A human rights based contextualization of circumstances demands enquiries into the historical backdrop of the total settings. Its extensions to the contemporary contexts form another aspect. Together, these constitute the external background.

However the approach is people – centric. In an analytical unit of the household, the contextualization is also based on the inner perceptions of its members on their social, economic and political profiles. Their evaluations are the internal expressions of what they are. The approach holds up the voices of people and not of outside experts.

3.5.2 A framework for conceptualisation

A human rights based approach could be conceptualized on the basis of a framework moulded by its own analytical base where human development and human rights are integrated. Figure 3.9 gives the framework.
The core of the approach is the opportunity of every human being to participate in the efforts directed towards constant improvements of individual and collective development. It focuses on the integrated realisation of both human development and human rights together.

Figure 3.9 categorises four conceptual parts of the approach.

1. The opportunity components
2. The translation of these into processes involving provisions and possessions.
3. The manifestation of these as states of human development and human rights
4. The activation of these states to transformed sets of claims and efforts, that constantly improve the positions of human development and human rights.

The opportunity aspect is the starting conceptual point. A human rights based approach to human development conceives each individual as equally entitled to the opportunity to be a part of the comprehensive process of development, with no discriminations on grounds outside one’s control. The entire opportunity set includes various components that are valued by people for worthy and dignified lives. Only the components that are universally valid as requirements of the well being of all human beings are recognized as parts of the opportunity structure.

Each component is an opportunity aspect of human development. It opens up into the environment marked by the process for human development. The approach conceptualizes the process in terms of universally recognized principles and duties of the agents involved. Its analytical base, as explained earlier (see sections 3.3.4 and 3.3.5) is conceptualized in Figure 3.9 as the formal and effective provisions and possessions. Together, the efforts conceive an environment where rights and duties correlate for expansions of beings and doings.

The process related to each opportunity component lead to specific states, as conceptualized in figure 3.9 and explained in section 3.3.6. Each state related to each opportunity component and its corresponding process aspect brings out the
qualitative outcome dimensions for which the approach stands. These states bring out the real changes in the opportunity structures of people, with expositions of the vulnerabilities.

The continuous process conceived by the approach, as explained in section 3.3.7 is shown in figure 3.9. It is represented by the dotted lines. Urges for improvements in the rights based process efforts, expressed by people on the basis of their positions of human development, lead to their transformed claims for improvements. Being tied to the requirements both of human development and of human rights, these claims are characterized as reasoned and justifiable. Unreasoned and non-justifiable claims would not perpetuate upward movements. The continuing efforts sustain the entire movements from components to states.

All these conceptual parts are rooted on the perceptions of people. This is in accordance with the concern of the approach in listening to and exposing the voices of the people and not of outside experts.

3.5.3 A framework for evaluation

The evaluative form of a human rights based approach to human development is strengthened by its own analytical base, as explained earlier. Figure 3.10 gives an evaluative framework of the approach. It opens up the routes to its practical feasibilities too.
This study proceeds on lines of the evaluative framework explained in figure 3.10. The core evaluative concerns are:

1. The context
2. The opportunity structure
3. The process
4. The attainment positions as outcome.

The framework for evaluating the context has already been explained in section 3.4.1. Being a people centred approach, with the conceptual foundation derived from international human rights instruments, the opportunity structure could be specified on the basis of perceptions of people, verified with universally accepted requirements. The validity of the list of components identified on the basis of the requirements perceived by people is ascertained by relating to the human rights standards. A classification of components as facilities and indicators would bring out the multiple constituents.

On the process side, the combination of normative principles, and the multiple agents comprising duty holders and right holders work out as duties of agents. Its evaluation could be done by looking into the formal and effective processes. These could be known from the empirical observations on the contexts of lives and from the perceptions of people themselves. Both the formal and the effective processes are manifested through aspects of multiple obligations.

The evaluative obligation aspects in the formal process include:

1. Availability – This relates to the evaluations on whether circumstances including resources or institutions or policies or all of these are provided for possessing an opportunity component.
2. Adequacy – It involves the evaluation of whether the available opportunity component is adequate enough to encourage its possession by right holders.
3. Accessibility – It is the evaluation of the reachability of the environment providing the opportunity component, to the users.
4. Affordability – This relates to evaluations on whether people can afford to possess the opportunity components.

All these obligations aspects are evaluative standards of the formal process that activates the formal possession of each opportunity component. When obligations of duty holders flow to right holders the latter derives the right to possess and the duty to possess.

By its conceptual nature, human rights involve the freedom to possess or not to possess a facility. However human rights based approach to human development includes only those components that are accepted by people as capability enhancing. If the availability, adequacy, accessibility and affordability aspects in the process environment are strong enough, possession ought to be certain. However if the evaluative procedures suggest non-possession, it could be due to the reluctance of the right holders to possess it. On the other hand, if the provision aspects are weak in any respect, non-possession is sure. The evaluative framework charts out possible analyses of the mixed field of rights and obligations in the aspect of possession.

The approach puts in the evaluative parts of effective process in terms of two obligations:

1. Quality of provision - It includes the evaluation of the quality of the provided and possessed opportunity component. The approach listens from the voices of the poor and provides for contextual empirical observations to evaluate the quality dimensions. Besides, each quality aspect is normatively based on the principles of the approach. Hence the principles could be the evaluative standards too. The quality of provision of each opportunity component could be evaluated on the basis of whether the principles have been followed.

2. Quality of possession – The evaluative standard is the usage and maintenance of the possessed opportunity component, by the participating and contributing right holders. This is their obligation aspect that makes formal possession effective. Non-possessions do not come under this evaluative concern.
The next part is the evaluation of outcome. In a human rights based approach to human development each process aspect is a state of outcome. It denotes attainments and non attainments. Conceptually the approach focuses on the dignity and worth of each individual. Hence, in the evaluative unit of the household also, the position of each household demands assessments of its absolute worth. One household is not evaluated in relation to the benchmarks derived from the relative positions of others. Its position is relative only to the nature of its own process aspects that convert each opportunity component into achieved states. If the reached states are effective in process, it becomes an attained outcome. If not, it is non attainment. Thus the process itself is the outcome. Hence an evaluation of the process itself indicates states of absolute attainments and non attainments. Each state brings in evaluative scope for the concerns marked as A, B, C and D in Figure 3.10.

As seen earlier, conceptually the approach has a perpetual dynamism operating towards higher levels of attainments. The evaluative framework charts out this movement in terms of the reached states of outcome. The non attained states of outcome activate the processes and perpetuate the movements to higher levels; the attained states of outcome activate the process for maintaining the higher levels. In both ways, outcome becomes the process for constant improvements. The perpetuation brings in new contexts, opportunity structures and processes. And it goes on and on, bearing ever evolving ways of human development and human rights.

The whole evaluative framework is based on the integrated moulds of human development and human rights in a human rights based approach to human development. Both begin together in the evaluations of the context and the opportunity structure (A). In the process aspect (B), both move together. At (C) both reach together as outcomes. They continue together as suggested by (D), showing the activating nature of the outcome forms of both. It is the value additions by the approach that connects these diverse concepts for evaluative purposes.
3.5.4 A framework for operationalisation

A human rights based approach is not a service approach to human development. It is a capacity building approach, with practical implications in human development practices. Its analytical base provides a framework for operationalising the approach.

In its operational mould the approach is a tool for a comprehensive or a specific development programme depending upon the purpose. Figure 3.11 connects the functional sequences in the operational framework.

The whole operational field is characterized by human rights based efforts of right holders and duty bearers. Right holders, who experience different states of attainments and non attainments in the opportunity to develop, respond differently to these. Some are passive, while others are active. The active responses of right holders are the reasoned sources of demands to duty bearers. Besides active states lead to a self reflection too. There the right holders realize own responses and the needed efforts. Along with this, the experiences and responses of right holder form the context of operation.

Duty bearers respond to the context. They monitor and assess the contexts themselves. This is combined with the voices heard from people. The demands of people are treated as human rights. This necessitates the basing of civil, political, social and economic structures designed for providing developmental opportunities to people, on a human rights based approach. It makes all claims equally important. No right holder is discriminated against for matters outside his or her control.
The moral and legal responses of duty bearers to the contexts of demands from right holders together gets framed as the issues that need human rights based efforts. An identification of the issues is based on a consensus of both. A constructive partnership of both the duty bearers and right holders emerge. It leads to a human rights based planning, involving both. The planning structure is facilitated by the civic consciousness and reasoned agency functions of the right holders from grass roots. It is equally activated by the resources, policies, institutions and information and altered power relations from the duty bearers. The planned environment is coordinated among the different agents, depending upon the purposes. All duties are coordinated by equations between the obligation aspects of duty bearers and the rights and obligations of right holders. Duty bearers carry out obligations of availability, adequacy, accessibility, affordability and quality in providing opportunities. Right holders get the rights to possess and carry out the obligations to use and maintain the provided possessions. Both provision and possession happen in co-operative modes.

The result is transformed structures and functions. Accountability structure improves. More participation comes in. Vulnerabilities are reduced. Capabilities expand. The set of outcomes are constantly monitored by the fused structure of right holders and duty bearers. It would reveal transformed way of old issues and emergence of new issues. Both demand further efforts for improvements, constantly creating contexts and responses. Human rights based efforts perpetuate with the vigor added by enlarged capabilities.

The human rights based approach to human development examined in its analytical dimensions points to the necessity of an empirical investigation. The major concerns which need special attention during such an exercise include: 1. examining an empirical context of households in an area 2. evaluating the opportunity structure in it 3. analysing the process aspects 4. measuring the reached positions of attainments and non attainments 5. finding out the possibilities for moves forward and 6. arriving at operational specifications.
The micro level study discussed in Chapter 4 and the empirical analysis in chapter 5 address these issues on the basis of primary data collected from two coastal villages.

NOTES:

1. See chapter 2 of this study.

2. These evaluative standards were set out by the CESCR in its General Comments number 2 (1999), 13 (1999), 14 (2000) and 15 (2002), on the rights to food, education, health, water and sanitation respectively.