

THE RIGHTS BASED APPROACH TO POVERTY ERADICATION



Preceding sections have demonstrated that poverty is the result of the failure to observe and implement human rights. Hitherto discretionary *ad hoc* handouts along with the idea of market led growth have been the principal prescriptions for the alleviation of poverty. But this is no solution.

Charity remains at the level of grace and favour, reinforcing dependencies, sharpening misleading perceptions of the alleged inadequacies of the poor, as well as giving cause to the rich to complain about them and talk about donor fatigue to justify their refusal to fulfil legal obligations. An ideological dependence on the market is underpinned by an implicit vision which essentially glorifies incentives to, and ultimately the greed of, individuals. It is profit-driven, with the tendency to fragment and destroy communities if left unchecked. It creates vulnerability and insecurity, and does not depend upon common values, treating individuals as commodities (labour) or as consumers.

On the other hand, solutions to poverty eradication crafted on a foundation of human rights provide a clear alternative to either the paternalist welfare-based approach or waiting hopefully for a positive outcome to the market. The rights based approach rejects the trickle-down effect, either as an effective or a legitimate policy for the eradication of poverty. For where this disregards human rights, the rights based approach refuses to accept that poverty eradication be considered an accidental by-product of the market.

It gives primacy to the participation and empowerment of the poor, insists on democratic practices and on the fulfilment by the international community, nation-states, the commercial sector and local communities and associations of their obligations to respect, fulfil and promote human rights. It emphasises the moral and legal duties of global society to ensure a just and equitable social, political and economic order in which all people and persons can live in dignity. It is based on the fundamental principle of equality of all human beings. It provides a balance between the different aspirations and interests of individuals and communities, and a way of reconciling them, thus preventing the lurches to extremes of economic or social policies and ideologies implicit in so many of the practices and justifications of globalisation.

It calls for the recognition of the role of all citizens in governance. Its values are instinctively appreciated by most people. As such, human rights can form the basis of social and political mobilisation. For communities which have been deprived of the basic necessities of life, the appeal of the idea of entitlement to a decent life is tremendous, and empowering. The idea of economic, social and cultural rights can play a legitimising role for claims to equal opportunities and the basic necessities of life. Far from being a 'ragbag' of miscellaneous interests, human rights constitute a coherent, complex system, grounded in these universal values.

An approach to poverty eradication that relies on a bedrock of rights, alerts us to the real purpose of development, which is the achievement of all aspects of human development - the protection of entitlements to work, food, health care, literacy, participation, a life in freedom, association and solidarity. It reminds us of the obligations incumbent upon public authorities to secure policies and institutions in which these entitlements can be realised through the efforts of individuals, families and communities.

The ideology of globalisation and the effects of the market as they are playing out today, are so inherently antithetical to human rights norms and so powerful that ironically it can only be countered by the ideology of human rights, which is more commanding because it has been accorded a universal pre-eminence that has developed over years through debate, refinement, reiteration and consensus. It is only by reiterating the primacy of human rights and strengthening its sinews at all levels that the more deleterious effects of

globalisation can be controlled and contoured to work to preserve and promote human dignity.

True, there remain different interpretations of the importance of each kind of right, just as there are different visions of the 'good society.' These competing paradigms sometimes make the whole terrain seem contested, largely because the general recognition of the interdependence and indivisibility of human rights has in practice failed to give economic, social and cultural rights the same status and institutional support as certain civil and political rights because of the power of vested interests.

There may also be justification for complaints about the selective use to which civil and political rights are put in the international political arena: to name and shame some to the advantage of more pliable political or economic partners; to prise open markets for domestic economic benefit; as a tool of foreign policy to ensure geo-political ascendancy; or to impose conditionalities that double up as protection for powerful industrial interests.

At different times, different rights have been harnessed to justify different kinds of ideologies - one is based on individual enterprise and profit, the other on social justice and participation. It is not always that the division is, as the International Covenant on Civil and Political Rights/International Covenant on Economic, Social and Cultural Rights (ICCPR/ICESCR) division assumes, that civil and political rights fall on one side of an ideological line and economic, social and cultural rights on the other. The divide may be one of class and economic status. For example, the right to property is important to both the rich and the poor, but it is the property of the poor which is not protected; frequently property becomes a subject of protection only once it has been appropriated by the rich from the poor. The idea of civil and political rights had a powerful appeal in the West in the seventeenth and eighteenth centuries, but the function of these rights was to legitimise the claims and eventually the rule of a new rising class. The idea of economic, social and cultural rights can play a similar role today to legitimise claims to equal opportunities and the basic necessities of life by speaking to the concerns of deprived and powerless classes and communities. Thus, for the human rights framework to be

A Voice For The Poor

A rights-based approach to poverty eradication has at its core the participation of the poor - ensuring that their voice is at the centre of the policy-making process.

In order to find out what poor people had to say about poverty and what solutions they would offer, the South African Human Rights Commission and the Commission on Gender Equality held a series of 10 hearings on poverty in 9 provinces called **Speak Out On Poverty**. About 10,000 people participated in the hearings and communities were mobilized to attend. About 600 presented oral evidence over 35 days of hearing. Themes ranged from money to food, employment, land, rural development, housing and urban development, social services, health education, social security and the environment. Recommendations, signed widely by the people, will hopefully factor into the government's evolving policies and programmes to fight poverty.

Similarly in Nigeria, the Vision of Development Project, surveyed people throughout the country about how they viewed poverty, what they thought about their condition and what they felt needed to be done to make it go away. In Kerala, India development plans are made after long consultation and surveys taken from across the state.

A poverty assessment in Uganda in 1999 revealed that people saw poverty "as multi-dimensional - as powerlessness as well as lack of means to satisfy basic material and social needs."⁵⁸ This mirrors the findings of a civil society survey carried out by the Commonwealth Foundation with partner organizations across 45 Commonwealth countries, which found that even the very poor had clear ideas of what amounted to good governance and a good society, but didn't think anyone was listening.⁵⁹

Every survey reveals that people believe that the problem lies in lack of good governance. However, knowing this is not enough. Both governments and the Commonwealth itself give relatively little weight to a lobby that consists of the majority of the population, and pays more heed to small lobbies of the rich and powerful.

effective, the importance of economic, social and cultural rights must be more strongly recognised by policy-makers.

Although there remain controversies over the different emphases and use of the rights regime, the ascendancy of the values that are enshrined in the whole and undivided human rights discourse makes it a prime validating force. Only a few states now contest the values that are enshrined in human rights or the international, regional or national arrangements for the protection and supervision of these rights. It has been possible to reach broad agreement on the scope and substance of rights, and the key international instruments have been ratified by a large number of countries of various political hues and adhering to differing religions and cultural traditions - largely at the level of rhetoric, but also as justification for action, particularly the collective interventions by the international community in oppressive states. Moreover, whether the preferred foundations of rights are sacred or secular, there is broad agreement that rights are inherent in the human being and are inalienable. Even those who constantly cavil at human rights being an imposed value system do not seriously challenge the universal concepts of equity and equality on which they are based.

At the core of the consensus on rights is the agreement that the purpose of human rights is to protect human dignity, even if there are different views on the source of that dignity. A human rights approach keeps human dignity in the forefront, and since dignity is so closely connected with the satisfaction of the basic necessities of life and autonomy, it is inevitably concerned with the causes and the eradication of poverty.

The orthodoxy of the regime of human rights, endorsed numerous times, including in the World Conference on Human Rights in 1993, is that all types of rights - civil, political, cultural, economic and social - are interdependent and indivisible. The synthesis of rights implicit in 'indivisibility and interdependence' is most fully elaborated in the Right to Development, with its location of the human being at the centre, and as the agent, of development. Neither economic nor political rights are complete by themselves; the realisation of human potential requires both. Since these rights respond to different dimensions of a person's needs, aspirations and humanity, their indivisibility is maintained through establishing a balance between different, and what may seem competing, entitlements.

Nowhere is the interdependence and indivisibility of rights more clearly demonstrated than in the causes and consequences of poverty and prescriptions to overcome it. Those who are poor, or economically or socially marginalised, are also those least able to enjoy civil and political rights. They have little physical security; cannot influence public opinion or policies; are unable to have access to the law or the courts to protect themselves from exploitation or wrongdoing; and have little prospects of participation. All this limits their

opportunities, access to basic necessities like food, shelter, health care, work and education and limits their life chances.

The interdependence is clear and has been highlighted by Amartya Sen in his seminal work on famines. He concludes that: "The diverse political freedoms that are available in a democratic state, including regular elections, free newspapers and freedom of speech, must be seen as the real force behind the elimination of famines. Here again, it appears that one set of freedoms - to criticise, to publish, to vote - is usually linked with other types of freedoms, such as the freedom to escape starvation and famine mortality."⁶⁰ From the perspective of poverty, the purpose of both kinds of rights is empowerment. Today without social justice, democracy itself is under threat - while social justice cannot be maintained without the exercise of citizenship rights. As such, the rights framework can provide an appropriately balanced approach to poverty eradication.

Indeed, there is a natural synergy between human development, which focuses on enhancing the capabilities of the poor, and human rights. In common with the UNDP *Human Development Report*, this report urges that the concepts of human development and human rights work together. As the report says:

*"If human development focuses on the enhancement of the capabilities and freedoms that the members of a community enjoy, human rights represent the claims that individuals have on the conduct of individual and collective agents and on the design of social arrangements to facilitate and secure these capabilities and freedoms."*⁶¹

Human development thinking has many useful lessons for the rights based approach. It helps to focus on outcomes where human rights thinking may fall into the trap of concentrating on process alone. Human development requires us to take into account the interaction of rights and duties with resources, constraints and capacities. Human development requires change, and thus evokes a dynamic approach that some, at least, of human rights thinking lacks.

However, although we have seen that human development is concerned with human dignity, freedom and human capabilities, it does not seem to confront what some might find to be the thornier questions of rights - duties - and so offers a more comfortable matrix than one of rights. Adding the notion of duties to human development thinking requires us to say not only that humans have rights, but that others have the duty to respect, fulfil and promote those rights. It is here, of course, that some feel uncomfortable, for to say that there are duties (or more gently phrased 'responsibilities') has the corollary that if the rights have not been achieved, then culpability lies somewhere.

A singularly important implication of using the human rights approach to poverty eradication is that it requires accountability. When power is so

imbalanced, both in the domestic sphere and in the international arena, accountability does tilt the scales in favour of the most marginalised. Even if many cannot individually seek out fora for adjudication and redress, the presence of a culture of accountability - from first to last - tempers the actions of all. This can imbue their policies and practices with the notion of responsibility and reckoning. Organisations like the International Monetary Fund resist this notion and indeed have demonstrated that they need never be accountable to the vast majority affected by policies such as Structural Adjustment Programmes. But the Commonwealth as an association of peoples as much as states, must embrace the notion of accountability both for itself as an organisation and for its member states as the direct opposite to impervious, undemocratic and remote functioning.

If development occurs as the result of grace and favour, and not as a corollary of realising rights, it is both susceptible to being reversed by the withdrawal of that favour and is less sensitive to the idea of human dignity than development which occurs as the result of the fulfilment of human rights. This approach places human beings at the centre of development, human rights being both the means and the end of development. It gives priority to human rights over other claims, and sets them as the yardstick by which to judge the worth, and even the legality, of laws, policies and administrative acts. The rights based approach does not attribute responsibility to the impersonal and intangible market, but directly attributes responsibility to a variety of duty-holders.

As SAPs and mega-projects imposed without prior consultation with the people have shown, development policies and allocations of resources which are not based on the framework of human rights are unlikely to advance human welfare or enhance social stability. As it is, rights remain something that lawyers talk about; development remains something that economists and politicians talk about. What is required is captured in the rather ugly word 'mainstreaming.' Human rights as a framework for poverty eradication must be used as a measure of performance and as a mode of critique, of all policies and actions. It should be as fundamental to the public service philosophy as the notion of efficiency and honesty.

Indeed, there is growing consensus on the importance of the rights framework for poverty eradication. Most analyses of contemporary ills and problems advocate democratisation, equality, participation and empowerment as remedies. This is evident from the resolutions of international conferences on women, children, population, and social development and the work of the treaty bodies. It is worth representing the agreement reached in one such conference in more detail. The Copenhagen Declaration on Social Development (1995) places considerable emphasis on human rights and democracy in order to address social problems, especially poverty and social exclusion. Indeed, the Declaration, more than any other international declaration, with the exception

of the Declaration on the Right to Development, places human rights at the centre of development. It states, for example, that democracy and transparent and accountable governance and administration in all sectors of society are indispensable foundations for the realisation of social and people-centred sustainable development.⁶² At another point it says, “that social and economic development cannot be secured in a sustainable way without the full participation of women and that equality and equity between women and men is a priority for the international community and as such must be at the centre of economic and social development.”⁶³

The first of the principles and goals enunciated in the Copenhagen Declaration - and a central theme of the Programme - is a commitment to “a political, economic, ethical and spiritual vision for social development that is based on human dignity, human rights, equality, respect, peace, democracy, mutual responsibility and cooperation, and full respect for the various religious and cultural backgrounds of people.”⁶⁴ More specifically, governments have agreed to “promote democracy, human dignity, social justice and solidarity at the national, regional and international levels; ensure tolerance, non-violence, pluralism and non-discrimination, with full respect for diversity within and among nations.”⁶⁵ They have undertaken to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all, including the right to development, and to ensure that disadvantaged and vulnerable persons and groups are included in social development.⁶⁶ Particular mention is made of the right of self-determination of all peoples, in particular of peoples under colonial or other forms of alien domination or foreign occupation,⁶⁷ and support for indigenous people in their pursuit of economic and social development, “with full respect for their identity, traditions, forms of social organisation and cultural values.”⁶⁸ The last paragraph of the First Commitment is worth quoting, as it highlights the urgent need to: “Reaffirm and promote all human rights, which are universal, indivisible, interdependent and interrelated, including the right to development as a universal and inalienable right and an integral part of fundamental human development, and strive to ensure that they are respected, protected and observed.”

This remarkable consensus on the importance of rights for the eradication of poverty is in itself a good reason why we should explore the potential of human rights as the framework for political, social and economic policies.