

A Review of The Millenium Report of the Commonwealth Human Rights Initiative (CHRI) "Human Rights and Poverty Eradication - A Talisman for the Commonwealth", published by the CHRI, B-117, Sarvodaya Enclave, New Delhi - 110017, India

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The 2001 Report, Human Rights and Poverty Eradication - A Talisman for the Commonwealth, published by the International Advisory Commission of the Commonwealth Human Rights Initiative (CHRI), squarely meets arguments made in the 'The Economist' in its August 14, 2001 issue. In its special report, The Economist had asserted that that human rights campaigners in their efforts to lobby for economic and social rights 'risk frittering away their hard-won political capital in the pursuit of rights that are both indefinable and undeliverable', and the whole basis of the argument hinged on the fact even if social and economic rights have the same status on paper as civil and political rights, their philosophical grounding is often questioned. The Economist also claimed "the most telling arguments against the adoption of universal economic and social rights are not philosophical but practical".

Like The Economist, the report asserts that civil, political, economic and social rights are indivisible and nowhere is this "more clearly demonstrated than in the consequences of poverty and prescriptions to over come it." It declares that "for the human rights frame-work to be effective, the importance of economic, social and cultural rights must be more strongly recognized by policy makers. It examines incisively and powerfully the poverty of the Commonwealth from a human rights perspective and pleads for concerted action to banish it using a rights based approach.

The first two chapters discuss the nature and causes of poverty that exists in the Commonwealth with women and children bearing a disproportionate share and stresses the incalculable harm untrammled and unchecked globalization-for-profit-alone drive is inflicting on human rights "prioritizing market-oriented rights over social rights,' thus deepening poverty.

Chapter three, The Rights Based Approach to Poverty Eradication, is the central chapter of this Report. It discusses the justification for the central theme of this Report - a rights-based approach to poverty eradication. It recalls the single contribution made by the Copenhagen World Summit on Social Development (1995) which placed human rights, as also the importance of equity and equality between women and men, at the center of economic and social development in its Declaration. It considers the fundamental principle of equality of all human beings and their right to participation in

governance, inherent in the rights-based approach, is a basis for political and social mobilization and an antidote to the ideology of globalization.

The central point namely, that the artificial chasm between human rights in the civil and political domains on the one hand and human rights in the economic, social and cultural domains as assumed by the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) division is an unreal one is made powerfully in this chapter. It reiterates that the two sets of rights are interdependent and indivisible though in practice there has been a failure "to give economic, cultural and social rights the same status and institutional support as certain civil and political rights because of the power of vested interests". Neither economic nor political rights are complete in themselves: the realization of human potential requires both. From the perspective of poverty both kinds of rights is empowerment" affirms the Report.

The fourth chapter is a plea to the Commonwealth to implement its rights commitments. It indicates the elaborate human rights framework that exists in the Commonwealth at the international, regional and national levels including for supervision of the protection and enforcement of rights. It refers to the Commonwealth's Ministerial Action Group (CMAG), which is a mechanism for dealing with violations of the principles contained in the Harare Declaration itself, which subsumes all the international human rights norms. The Report deplores the fact that notwithstanding all the mechanisms of supervision, the meager resources made available to them renders them ineffective. It does not consider the CMAG effective either, as it interprets its mandate so narrowly that it may take action only in extreme situations like the unconstitutional overthrow of a democratically elected government.

Reiterating the point made in the earlier chapter about the importance of the Economic, Social and Cultural Rights, the Report focuses on the multi-tiered regime of these rights and shows how the preamble of the UN Charter, the preamble of the Universal Declaration of Human Rights (UDHR), the UN Declaration of the Right to Development, the CEDAW, the CRC, the African Charter on Peoples' and Human Rights, the American Convention on Human Rights, the European Social Charter, the Directive Principles of State Policy adopted in the Indian Constitution and the enlightened provisions of the South African Constitution have all been at once the source of, and the authority to enforce indirectly and directly, the economic, social and cultural rights internationally and at the national levels.

Having said this, the Report makes the point that the persistence of poverty in the Commonwealth despite the elaborate human rights frame work shows that a great deal remains to be done before the economic, social and cultural rights become a reality for all in the Commonwealth. It apprehends that a major obstacle may be the wording of the ICESCR which commits member states to "take steps, individually and through international assistance and cooperation,

especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights..." - expressions taken advantage by states to plead lack of resources and to delay action. By way of overcoming ideological opposition to economic and social rights, it is necessary to imbue them with measurable content so as to make them tangible and therefore enforceable.

But there is need of indicators that must be developed to lay down acceptable standards of literacy, nutrition or shelter and the report rightly observes "...indicators provide the hard measurements while the principles of human rights provide the frame work for formulating policy, judging methods of implementation, and the means by which to evaluate outcomes in terms of what the impact has been on the realization of rights".

Recommending the kind of remedial action required, it demands that countries should sign international treaties without caveats and subject themselves to their discipline in terms of fulfilling formal commitments, particularly to the ICESR; the supervisory work of the Committee on Economic, Social and Cultural Rights (CESCR) should be strengthened in terms of resources and staff; Commonwealth's Human Rights Unit (HRU) has to be pro-active in publicizing the CESCR's comments on country reports and the CMAG's ability to monitor implementation of social and economic rights in member states should be enhanced with the assistance of the HRU and the leadership of the Commonwealth High Commissioner for Human Rights (CHCHR) or the Secretary General himself.

The Report makes the all-important point that for a rights framework to be ultimately effective it has to be securely anchored at the domestic level. For this, making economic, social and cultural rights justiceable so that the national courts can play a creative role, and establishing genuinely strong national human rights commissions to remedy violation of these rights so as to contribute to the eradication of poverty, is vital. The HRU should involve itself in this work so as to expand this principle in the Commonwealth and for this the HRU's status should be enhanced financially and in terms of its place in the Commonwealth secretariat.

Calling for the building of a culture of rights within the Commonwealth countries, the Report makes a telling point about the need for participation, transparency in governance and the right to information because "information in the hands of the population at large would fundamentally alter power relationships" and calls for national legislation on right to information and human rights education. The Report gives a call to the civil society organizations to make duty holders accountable for rights, stressing the crucial role of mobilizing public opinion and people around campaigns.

The Report concludes with a warning to the Commonwealth that it is in imminent danger of losing its credibility in regard to its rhetoric of endless commitments to eradication of poverty unless it matches it with deeds for a more just social, political and economic order through "the premier means to overcome it - human rights". It deplores how the Commonwealth "has treated the deprivation of social and economic rights and the condition of Commonwealth citizens, however wretched, as best left to member states to deal with, unencumbered by anything more than oratory".

The CHRI calls for the rectification of all these dysfunctionalities and calls on the CMAG to shed its narrow interpretation of its own true mandate "by being not only a guardian of the fundamental political values of the Commonwealth, but also a custodian and spokesperson for all the human rights of Commonwealth citizens, including their socio-economic rights. It reiterates its decade old demand for the appointment of a Commonwealth High Commissioner for Human Rights (CHCHR) and revamping of the HRU. It emphasises using training as a strategy to usher in "behavioural change and the incorporation of human right values in all the policy formulation and programme implementation work of the Secretariat." The CHRI deplores in strong terms the cold shouldering by the Durban CHOGM of the recommendations of the Commonwealth NGO Forum convened by the Commonwealth Foundation based on a 2-year long 47- country survey involving 10,000 ordinary people and calls for an end to the culture of remoteness practised by the Commonwealth by demanding that Commonwealth meetings of all kinds including CHOGMs be thrown open to NGO participation and media presence so that the values of participative decision-making are truly fostered. It also calls for assistance to NGOs from the Commonwealth Fund for Technical Cooperation (CFTC).

The points made in the Report are well-supported by appropriate boxes of real life processes drawn from various countries. There are no loose ends in this report and it is a "must read" for all those interested in poverty eradication and human rights and as to how the two impinge on each other. The readers would find the bibliography and the chart showing the country-wise status of ratifications of principal human rights treaties in the Commonwealth given in the Report useful for future studies of the challenging universe of human rights and poverty. The Report attempts to do with great sincerity and has drawn on the expertise and research of NGOs, thinkers and activists drawn from a wide spectrum as evidenced from the six substantive chapters and the 197 end notes it lists.

This is a land mark report and in my opinion this makes a trilogy along with the 1992 Report of the Independent South Asian Commission on Poverty Alleviation of the SAARC and the 1995 Report of the Copenhagen World Summit on Social Development (WSSD). Essentially, these three Reports are saying the same thing namely that human rights-based policies are key to poverty eradication with social mobilization and organization of the people as

the means. This is a very powerful document of advocacy and given the eminently practical suggestions it has made, CHRI should consider whether the time has not come for the Commonwealth NGOs for going beyond advocacy by planning for concrete programmes in some of the Commonwealth countries in pursuance of the arguments made in this Report.

However well written, this report has some shortcomings that cannot be overlooked. In the first place, there seems to be a slight lack of balance in the gathering and analysis of the data in and between the various countries of the Commonwealth. For example, military expenditure by India is strongly referred to while similar sins in her neighbourhood are not touched. India receives a lot of attention in certain other respects also while others do not. Also, the Report may have missed an opportunity in failing to analyse the causes behind the contradiction between the high Human Development Indices of Sri Lanka and the conditions obtaining in her EPZs on the one hand and the raging ethnic conflict in that country, on the other. While the Report has dealt with the debilitating impact of globalization, multi-national corporations and multi-lateral financial institutions splendidly on the poor of the Commonwealth, the reader could get an impression that all the sins of poverty including corruption in the Commonwealth are sought to be laid at the door of the Structural Adjustment Programmes, when lack of accountability of national Governments has a lot to account for. This is not to suggest that the Report has not held the national governments responsible for poverty eradication but only to point out that the treatment of the subject in regard to globalisation is more extensive than the specific neglect of their duties by national governments. However, these do not by any means detract from the overwhelming merits of this Report. And it must also be added here that every point made in this Report in regard to the reforms required in the organization of the various administrative bodies of the Commonwealth is fully justified and urgent action by the next CHOGM is called for on all of them.

The ultimate and inescapable responsibility for eradication of poverty lies with the national governments and civil societies. International assistance, scarce as it is, would materialize or can make any difference only if national political will, accompanied by efforts of national societies, is shown to be in evidence. This is hardly the case in most developing Commonwealth countries. How to make this happen is the central question. How do we humanize the State as well as the Market? This Report answers this question fully by rightly anchoring the issue in a unified CPR and ESCRs paradigm that would lead to social mobilization and organization of the people around those rights. Unless people are organized around these rights and their massive power is brought to bear on Governments on the lines Mahatma Gandhi's independence movement in India or Martin Luther King's civil rights movement in the U.S. was fought, poverty will stay.

We need a corrective through this strategy to be applied to both state and society because many societies in the Commonwealth need far-reaching

structural correctives, as the Report points out. The ideal that if the society is made to understand its duties, the State, particularly in democracies, will quickly fall in line is one that should be fought for. A sustainable, long-term social mobilization movement is a condition precedent to any chance of sustainable development in the poverty context.

The ideals articulated in this millennium Report should be followed up by the CHRI through efforts at setting up of actual experimental human rights programmes in a few of the Commonwealth countries where the poor would be organized around their rights leading to large scale social mobilisation. Resources must be found from within the Commonwealth with the condition that it would be strictly a non-Government effort with no Governmental interference. CHRI should move the ideals and contents of its millennium Report to the field for the Report to translate itself to a talisman, as defined by Mahatma Gandhi. There is a precedent for it. Following the SAARC and WSSD Reports, at the initiatives of some of those who were instrumental in developing and formulating the paradigm that those two Reports advocated, the UNDP was got involved in setting up actual projects in six SAARC countries in 1996, five of whom are Commonwealth countries. The results of that effort need independently to be evaluated, preferably by the CHRI as a forerunner for CHRI's own effort. The difference between the UNDP and CHRI effort should be the latter being a purely non-Government effort.

The CHRI and its Director Maja Daruwalla deserve the Commonwealth's appreciation for an excellent Report on a subject of extreme urgency and relevance.