There is an oft-repeated line from Mary Robinson, former UN High Commissioner for Human Rights, describing poverty as the denial of human rights and poverty as the most serious form of human rights violation in the world today. Counting among South countries who are barely surviving the adverse impacts of various forms of so-called poverty reduction strategies (PRS), we cannot agree more strongly; we are witness daily to the many faces of poverty and a broad range of human rights violations.

By “poverty”, I use the OHCHR’s own holistic description of “a human condition characterized by deprivations below defined thresholds in multiple dimensions of human life that are important for well-being.” Implicit here is the recognition that poverty is not only about income, but also about deprivations of the basic elements needed for a decent human life.

In fact, one would be hard pressed to separate what are clearly mutually reinforcing...
situations and viciously turning cycles of impoverishment and unfulfilled human rights. In poverty, we find the denial of human rights, which in turn deepens the situation of poverty and intensifies and consequently multiplies human rights violations.

**SAPping the economy**

To learn from the experience of the South with poverty reduction strategies, we first have to look at their precursor, the structural adjustment programs (SAPs). Some may argue other factors, but there is no denying that South peoples sank deeper into poverty and deprivation after all the years under SAPs and their attendant policies. In the 70s, loans were aggressively peddled by international financial institutions and banks to what were then called Third World countries, which eventually became too debt-ridden and cash-strapped to meet loan payments. The ensuing debt crisis of the 80s enabled these institutions with their lending capacity to leverage far-reaching policy changes in the countries from which debt payments were being claimed. More loans were pushed to service outstanding obligations, loans that came with conditionalities in the form of structural adjustment programs or SAPs, targeted for a borrower-country’s economic reconstruction and debt repayment.

SAPs compelled borrowing countries to implement, among others, monetary and financial belt-tightening, to sell state enterprises to private entities, deregulate industries and liberalize trade and financial markets. They prescribed cutbacks in government spending on health, education, water provision and other essential services. They favored resource extraction and export-oriented production to service global demands, putting food production and security at risk. They privileged foreign investment with risk-free business environments, reducing or removing labor standards and environmental regulations. They opened markets to unfair competition, eroding domestic production. Affirming these, the citizens’ assessments conducted as part of a World Bank tripartite review pointed out the failure “to grasp or to even acknowledge the depth and breadth of problems that need to be addressed...
in its policy based lending... SAPs created and entrenched continuing cycles of impoverishment and inequality, and that the anticipated gains in efficiency, competitiveness, revenue and savings from Bank-Fund prescribed macroeconomic policy prescriptions did not materialize."

In 1999, the International Monetary Fund (IMF) introduced the Poverty Reduction Growth Facility (PRGF) and Policy Framework Papers with Poverty Reduction Strategy Papers (PRSPs) as the new preconditions for loan and debt relief. Addressing the debt problem of Highly Indebted Poor Countries, this debt relief scheme seemed to suggest debt as a limited problem despite the fact that the debt problem in the majority of South countries has led to further underdevelopment and damage of national economies by global financial capital.

While PRSPs attempted to address criticisms over the SAPs' lack of democratic processes, their content and direction, terms and conditions remained essentially the same as SAPs. But did we really get out of SAPs? It turned out to be business-as-usual, with the PRSPs "simply delivering repackaged structural adjustment programmes... not delivering poverty-focused development plans." Other studies note that "while PRSPs stress the importance of social safety nets and poverty reduction, the prescribed macroeconomic reforms to achieve them are ‘undiscussed’ and are indistinguishable from the previous macroeconomic frameworks that focused on achieving rapid growth via liberalization and privatization." These policies remain in place today despite a record of failure in realizing what they set out to accomplish - poverty reduction.

**HR as a comprehensive normative frame for poverty-reduction strategies**

Since the adoption by the General Assembly of the United Nations of the Universal Declaration on Human Rights in 1948, human rights as a set of beliefs and aims has achieved wide levels of recognition and consensus globally. Its 30 articles are substantiated in various international treaties and regional human rights instruments, translated into national constitutions and domestic laws by many individual states. The UDHR, together with the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Covenant on Civil and Political Rights (ICCPR) constitute the International Bill of Human Rights which, having been ratified by a majority of the 192 member states of the UN, forms part of and has the force of customary international law. The HR frame holds much potential for meeting the challenge towards reducing poverty.

**The substance of Rights-Based Approaches**

A key human rights element that poverty reduction strategies do not reflect as part and parcel of state obligations is the empowerment of the poor. Empowerment carries with it the concept of rights-claiming, which can only happen with the realization of each individual that he/she possesses rights and is entitled to the enjoyment of the same. Thus we lay claim to safe, adequate and affordable water, for example, not only because it is a basic human need, but as a matter of right. This also implies claims-making from those who are duty-bound to provide whatever mechanisms, processes, infrastructure, and other resources necessary for the realization and enjoyment of such right. From a rights-based perspective, this responsibility primarily lies with the principal duty bearers - the government and its agencies - who are publicly mandated and legally obliged to muster the resources at their command to ensure that the claims of rights-holders are met.

Empowerment in relation to poverty as a multi-dimensional condition invokes the principle of indivisibility of
the need for social justice and equity to be part of major development objectives as well. One of the non-negotiables of a human rights frame is the attention to vulnerable groups. This is not simply a mechanical focus but one based on the recognition that prioritizing the poor, the marginalized, those excluded and made invisible by discrimination, contributes to correcting a situation of unfairness or injustice. It is also a view proceeding from causal analysis of this situation of human rights denial and poverty, for which reason, the systems and structures that foster them must be changed.

Rights-based processes

Accountability and transparency are common buzzwords in many development texts, including poverty reduction strategies. But these terms are intended in a particular way by human rights approaches. The nature of legal obligations for the respect, protection and fulfillment of rights lies squarely at the doorstep of the government and policy-makers. As such, accountability is exacted from the government and attendant duty bearers for acts of omission and/or commission in securing the enjoyment of rights especially of the poor and marginalized. The implementation of poverty reduction strategies must thus be read and assessed as responses of duty-bearers to their legal obligations to respect, protect and fulfill human rights, as the nature of obligations are defined from a human rights perspective.

Accountability must be sought as well from those who pushed SAPs in the 70s and 80s and continued essentially to do so with poverty reduction strategies – and here lies a huge challenge to bringing human rights into PRS. How do we hold accountable non-state entities such as international financial institutions like the World Bank and the IMF, multinational companies and their local counterparts who have been instrumental in promoting and compelling South governments to undertake PRS in exchange for more loans and debt relief? Irresponsibly and aggressively pushed by creditors, many of the loans of the 70s lined the pockets of dictators, who then passed on the burden of repayment to public coffers. As in the case of the Marcos dictatorship, such loans fueled the military in their campaigns of political repression, and funded projects dislocating communities and irreversibly damaging environmental resources. The odious and onerous character of these loans – which we deem illegitimate – is incontrovertible, but it is a burdensome yoke that we continue to bear in the servicing of debts.

The incongruity of holding on to the traditional human rights bias for concerning itself with state accountability alone is captured by the thought that “[I]f you are going to be violated, pray it is by someone who looks like government” (McKinnon, quoted by Clapham). I think that in this respect, the human rights regime, while focused on seeking accountability from state actors, has evolved to reflect current realities, with some core international human rights instruments recognizing the harm non-state actors can inflict and protections needed in this respect. Thus, under international human rights law, non-state actors should not be shielded by their being outside the system of ratification. “[International human rights obligations can fall on states, individuals, and non-state actors. Different jurisdictions may or may not be able to enforce these obligations, but the obligations exist just the same.” The withdrawal of public subsidies from social services has been one of the most harmful impacts of poverty reduction strategies. In the case of public health services, the obligation to respect means that duty bearers cannot infringe on people’s enjoyment of the right to basic health services; thus, budget cuts in health that lead to the closure of public health facilities would constitute such an infringement. The obligation to protect means that the state must intervene when
the right to health is violated, and therefore, when the charging of user fees prevents poor people from accessing health services, state action is required. The obligation to fulfill obviously means that duty bearers should ensure the institutional and financial elements needed for the right to health to be enjoyed by the poor, hence budgets should be secured for the continued and improved delivery of public health services that especially prioritize those who are economically disqualified and excluded.

The same is true in the case of water privatization. Part of what the Freedom from Debt Coalition opposes in the poverty reduction strategies of international financial institutions is the premium accorded to privatization as a way for government to raise revenues and keep up with their debt payments. What happens when such water services are privatized is that a resource critical to all life is made contingent on the capacity to pay. Not only is government, as a duty bearer, transgressing its obligation to respect and protect human rights. It is in fact violating the principle of non-retrogression, another non-negotiable precept of a human rights-based perspective, for instead of progressively moving towards realizing people’s enjoyment of their right to water, it is promoting a policy that is retrogressive and has proven to jeopardize the same. It is unacceptable from a human rights lens to argue for retrogression in one area to legitimize progress in another.

I conclude by stressing the element of participation, another well-established element of human rights approaches. The poverty reduction strategies contain participation as one of its pillars; they express-

ly set out to address the lack of participation and country ownership observed in the period of SAP implementation. As implemented, the ‘participatory approach’ of the PRSP was limited to a few consultations with civil society organizations and not substantive discussions on poverty and their causes.

Participation in a human rights frame connects with the other rights, including civil and political rights. As the OHCHR’s own guidelines assert, participation “is only possible when a wide range of human rights, including civil and political rights, is respected. The fulfillment of these rights is, therefore, an essential precondition for an ethically defensible evaluation of poverty. As such, all these rights have evaluative relevance to poverty, even if they do not form part of the definition of poverty.”

**Meeting a Great Challenge to Human Rights**

If debt relief and extending more debts continue to be the overarching concern and motivation of poverty reduction strategies, we will continue to see countries like the Philippines where debt payments are prioritized in law and in fact, over any other public need, despite desperate needs for food, housing, jobs, and other standard minimums for a decent human life. We can hope for a correction of such skewed perceptions through an explicit application of a human rights framework to address poverty.

Let me close by quoting Louise Arbor, also a former High Commissioner of Human Rights, who put it, that “[p]overty is the gravest human rights challenge facing the world today.” Explicitly recognizing and using the normative framework that core international instruments provide as the analytical and methodological base in developing rights-based poverty-reduction strategies is a crucial first step towards meeting this challenge, and a move in the direction of what we really ultimately desire, of not only reducing, but ending poverty.

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5. ICCPR and ICESCR, 167 and 160 parties respectively as of January 2011 (192 UN members)
