

Socio-Economic Rights Project, CLC, UWC

**Realising Socio-economic Rights: An Imperative for
Human Security**

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Closing Address by Vivienne Taylor (Commission on Human Security)

“The objective of human security is to protect the vital core of all human lives from critical and pervasive threats in a way that is consistent with long-term human fulfillment.”¹

Thank you for the opportunity to address this colloquium. I am very pleased that, as representatives of the Commission on Human Security, my colleague, Kazuo Tase, and I have been able to be present and to benefit from the deliberations over the last two days. I wish to commend the Community Law Centre, Prof. Sandy Liebenberg, Prof Nico Steytler, the reference group and the research team who have so ably provided us with an analysis of the implications of *Grootboom* for the realization of socio economic rights in South Africa. In the context of ever increasing inequalities in wealth and income within and between countries and the complex power relations that these inequalities spawn, it is encouraging to be part of this colloquium.

An analysis of South Africa’s changing political economy suggests that the country faces two related imperatives². The first is the constitutional and democratic imperative that is based on a human rights approach. Within this approach the South African Constitution gives socio-economic rights a similar status to civil and political rights. It is worth noting the following aspects since they relate to the constitutional and democratic imperative:

- Ensure promotion of values of dignity, equality and freedom
- Build participation and voice of the excluded
- Support citizenship claims through equality of administrative justice, access to information, application procedures, adjudication of rights, monitoring of compliance and non-compliance.

Secondly, the socio-economic imperative, which spelt out in the Reconstruction and Development Programme, the aim to fundamentally improve the living standards of all people in the country. This imperative stresses the following:

- Reduction in poverty, deprivation and social inequality
- Increased access to adequate basic services
- Create an environment for sustainable social and economic advancement of all people, and especially the poor and unemployed.

Both these sets of imperatives are inter-related and mutually reinforcing. The Constitutional Court, in the matter of *The Government of the Republic of South Africa et al v. Grootboom et al*, stated:

There can be no doubt that human dignity, freedom and equality, the foundational values of our society, are denied to those who have no food, clothing or shelter. Affording socio-eco-

conomic rights to all people therefore enables them to enjoy the other rights enshrined in [the Constitution].³

The vibrant debates generated over the past two days as a result of the research papers reflect a concern and commitment to social justice. The inputs raise fundamental questions and issues on the realization of socio economic rights that are relevant beyond South Africa.

In analyzing the Grootboom judgement this colloquium has taken human rights and the struggle for socio economic rights out of the speculative realm and the realm of intellectual discourse on the 'justiciability' of socio economic rights. Your interrogation of the capacity of states, organs of state, civil society and other structures to protect, promote, fulfill and monitor socio economic rights resonates with concerns raised within the Commission on Human Security.

Discourse analysis is useful in putting on the agenda the issues that continue to create social exclusion, persistent poverty and increasing social fragmentation. However, it is also in the battleground of everyday grinding poverty and the choices that poor people do not have that the real content and meaning of socio economic rights must be understood.

For even as we acknowledge that we live in a globalizing era with unprecedented technological innovations, greater wealth generation than ever before and the rapid exchange of information and knowledge, more people than ever before are being excluded from such benefits. Research reports such as the United Nations Report on the World Social Situation (2001), the Human Development Reports of UNDP and the World Development Reports of the World Bank reveal conclusive evidence that for the worlds poorest people the situation is worsening.

Against this backdrop, there can be no doubt that realising socio economic rights is becoming a human security imperative. The Commission on Human Security (CHS) was launched in 2001 as a global initiative, partly in response to the UN Secretary General Kofi Annan's call at the Millenium Summit for a higher priority in the new century to achieve "the twin goals of freedom from want and freedom from fear". This call comes at a time of growing awareness in the international community that collective efforts are needed to reduce significantly human suffering and insecurity where it is most acute and prevalent. Such concerns, expressed in the term human security, are increasingly a central focus of policy imperatives of many nations.

Emerging evidence reveals that the loss of human security can be a slow, silent process, a systemic crisis – or it can result from an unexpected crisis or emergency⁴. Irrespective of the type of situation, the results are the same – in that human well being and security are compromised or non existent. Quite often it is the result of policy choices that are made by governments and other stake holders. Besides bad policy choices and lack of state capacity the loss of human security can also result from natural disasters. For example, environmental degradation could lead to a natural disaster followed by human tragedy. This focus requires a shift from focusing on external aggressions to internal tensions, from the security of borders to that of people inside them and across them. It requires also the recognition that threats are not only political and military, but also social, economic and environmental. In so doing there has to be more concentration on the role of, and implications for, individuals and communities as well as national states.

A human security perspective recognises that an individual's personal protection comes not

only from the safeguarding of the state as a political unit, but also from access to individual welfare and quality of life.⁵

At its first meeting in New York in June 2001 and a second meeting in Tokyo in December 2001 the Commission on Human Security emphasized the importance of a new conceptualization of security focused on people rather than only that of nation states. Moreover, the importance of linking issues of physical safety in times of conflict as well as to changes in the socio economic context has focused attention on the links between development and conflict aspects of human security. The CHS also takes note of the notion that:

- human security is universal
- human security is people centered
- the components of human security are interdependent⁶

Amartya Sen, (whom I have the privilege of working with on the Commission) stressed the need for seeing the challenges of global equity and human security in a somewhat different way from the standard practice. I would like to share four points that I think are relevant to your debates⁷.

First, while the debates on global distribution often centre on the question as to whether “the poor are getting poorer while the rich get richer”, he argues that while this situation must be addressed, the more general problem is that of “fairness” of the distribution of benefits.

Second, even when the poor gain a little (rather than losing), the distribution of opportunities and benefits could be very iniquitous. Whenever there are possibilities of joint gains, there are a great many alternative situations in which all parties gain, so that showing that the poor too are gaining something would not amount to much.

Third, he contends that the real issue is whether the enormous benefits potentially generated by globalisation are being equitably shared and how we should choose among the alternative scenarios in which all parties gain.

Fourth, the issue of global equity relates to this type of distributional question, and to the appropriateness of the existing global institutional architecture to ensure a better sharing of the opportunities generated by this phase of economic globalisation.

At a time when, to quote Richard Tawney, “the certainties of one age are the problems of the next”, Sen emphasises that human security must also be concerned with “downside” risks. For example, growth with equity, even when very successful (for example as in South Korea for decades preceding the Asian economic crisis) does not in itself provide any guarantee of security in case of a downturn (as Korea experienced after the 1997 financial crises).

Moreover it is important for us to understand that decisions and choices on whose rights are secured and under what conditions are not only an outcome of our national decision making processes and the policy choices that result from these. They are mediated through a range of forces and factors at regional and international levels. Therefore, the issues you have raised, although specific to South Africa’s political economy, are also relevant for our region and continent and can provide us with a deeper understanding of the duties of the state and the often shifting relationships that exist between people, states, and institutions of governance more broadly.

There are three points that I would like to make for your future consideration as you take the process forward.

Firstly, the permeability of nation states and their interdependence needs to be understood and interrogated. For individual claims to rights within national states are increasingly being mediated through global processes in which the space for fundamental change is contained. In this regard it is important to see the relation between democratic practice, the functioning of markets, effectiveness of public policies, and the operation of other institutions, in safeguarding human security. This must be examined in addition to the overriding concerns with promoting efficiency and equity (between and within nations).

Second, when reviewing the issue of core obligations of states with regard to socio economic rights, we need to push to the centre of the debate the concern that certain fundamental human needs should be non-negotiable. Questions on the equitable distribution of benefits and opportunities and the relationship with the growing discourse on the need for global public goods should be examined. How do we ensure that in a globalising era, preventive interventions safeguard the security of people and what role can global public goods play in this regard? Moreover, what is the relationship between sustainable human development and security?

Third, when we talk about civil society engagement and participation in the process of attaining socio economic rights and human security we must also talk about the capacity of both state parties and of civil society to ensure that these rights are realised. Certainly, civil society engagement and contestation is an essential part of the process but we must be careful that we do not push civil society into a role of becoming service providers or substitutes for state provision.

I end with a quote from the late Mahbub Al-Haq who provided much of the inspiration for the Human Development Reports and the 1994 one in particular:

“human security is not a concern with weapons. It is a concern with human dignity. In the last analysis, it is a child who did not die, a disease that did not spread, an ethnic tension that did not explode, a dissident who was not silenced, a human spirit that was not crushed.”

Notes:

¹ Working definition drafted by the newly established Commission for Human Security, co-headed by Sadako Ogata and Amartya Sen.

² The Committee of Inquiry into Comprehensive Social Security had extensive discussions on these aspects and the background paper prepared for the Conceptual framework provides a rigorous analysis of these discussions.

³ Constitutional Court of South Africa (Judgement). 4 October 2000

⁴ Shahrbanou Tadjbaksh in paper: A Human Security Agenda for Central Asia, UNDP, New York, 2002

⁵ Ibid.

⁶ Human Development Report 1994, UNDP, Oxford University Press, 1994, Oxford

⁷ See more on this on the CHS website in the Report of the Tokyo Meeting of the Commission on Human Security, 2002.