

GOVERNANCE AND HUMAN RIGHTS



I. Introduction

Let me acknowledge at the outset, as a context for what I have to say, that this Congress takes place at a turning point of our collective awareness. We are indeed at the point where a radical transition is possible for governance to be effective in the next millenium.

Things have changed drastically since Copenhagen. In three years, ideas expressed for 20 years have crossed the threshold of visibility and are there for those who want to see, to grasp them and to transform them into political policy.

A state-of-the-art is being up-dated in all fora where concerned individuals and organizations are able to express the scandal of a world whose product has grown four times, the industrial production 40 times, the production and consumption of energy 20 times and yet poverty has aggravated itself at an incredible pace. Facing this situation we are many to say: 'More of the same won't do'.

The question is not anymore asking more of this or that but to dare to go into new concepts and to follow the paths opened by them.



II. Social rights/development/democracy

In the Report of the Independent Commission on Population and Quality of Life '*Caring for the Future*', it is underlined that 'the non-fulfilment of economic and social rights does not arouse the same indignation and advocacy as does the violation of civil and political rights.

So, if I speak mostly about social rights this morning, it does not mean that I disregard civic and political rights; rather I want to emphasize the importance of social rights as an essential part of governance.

For a long time social rights 'were dealt with in a piece-meal way, as they were mostly the response to the hazards of industrialisation and to the social conflicts that, for decades, agitated the European and North-American countries.

Though the two International Covenants on Civic and Political Rights and on Social, Economic and Cultural Rights had been approved by the UN General Assembly in 1966 (in 1995 only 129 States had ratified ICCPR and 131 had ratified ICESCR), the old distinction in political science between the two groups of rights remained untouched. The civic and political rights were considered to be at work as soon as they were declared and were said to be without costs while the social, economic and cultural rights were said to need time and conditions to be implemented, depending on the special possibilities of the annual budget.

Even at the international institutions, as the United Nations Organisation, this distinction was clear. ECOSOC was in charge of the protection and promotion of all rights. And yet, until recently, the Commission on human rights dealt only with the civic and political rights; in 1987 a Committee on Social and Economic Rights was created but its responsibilities lacked the scope of the



Committee on Human Rights (e.g. no State could complain against another State, in matters concerning the violation of social and economic rights).

Hence, democracy became confined to the rights expressing the 'freedom from fear' while social, economic and cultural rights expressing 'freedom from want' were left to the hazards of economic performance.

But, gradually, the interdependence and indivisibility of human rights has imposed itself - and thus has enriched the human rights approach to social welfare.

Not only attention was drawn to the fact that the Preambles of the two Covenants on Human Rights were exactly the same, but experience has shown that democracy is weakened whenever social rights are not given a due place in public policies.

There was a reason for that tendency.

The concept of development has been a very important one. In the first years, such a concept wavered between a humanistic approach - 'the capacity of a country to face, with its own culture, its own problems' -and a more economy-based approach. This one prevailed. Very soon 'development' was equated with 'economic growth'. Steadily there were other attempts, in 81 even a seminar organized by the Secretary General of UN on an 'alternative approach' to the International Development Strategy.

Later, in 87, the Brundtland Commission gave content to the concept of sustainable development and Rio seemed the climax and the consecration of such a concept.

Meanwhile UNDP developed the concept of human development.

But while these two dynamic concepts were worked out by social scientists and activists, at the governance level economic growth remained the main component of development.

One short-term decision is vital, both for the promotion of human rights and for the deepening of democracy. I am referring to the urgent institutional step of NGOs and research institutes to be taken in the preparation of measures for public policies as social partners.

It is a way to promote citizenship.

It is a necessary ingredient for a fruitful dialogue.

But it is also, as a consequence, a form of permanent formation of all activists, both in projects and in research, adding strength to civil society.

But the long-term cannot remain hidden and left to the ideas of persons with competence and imagination but without influence at the political level.

Three long-term tasks can be outlined briefly:

(a) the redefinition of work

Unemployment cannot be addressed adequately within the boundaries of the Nation-State. Neither can it remain to be seen as in the beginning of industrialisation. In a time of globalisation, terciarisation, of always new technologies and in need of renewable fuels, production schemes of goods and services have to be revisited. 'Transitional labour markets' will enrich the mobility, if social quality is the guiding factor.

Moreover, tasks now fulfilled within the home have to be acknowledged and made part of the wide gamut of work in what



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may be called an active society as OECD proposed in its report about 'Shaping structural change: the role of women'.

(b) to revisit the concept of education

The redefinition of work and a world which becomes globalised make obsolete the old sequence of 'learning/employment/retirement'.

It is necessary to provide to all the possibility of learning 'transferable talents and skills', enabling individuals to target specifically their talents at diversified activities in different periods of their lives.

(c) the internalisation of environmental costs, obliging economy to work with new schemes of production and patterns of consumption, leading to a responsible stewardship of our planet.

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For external use, the Northern countries used the expression 'development'. For their own use, they tried to improve the standard of living of their own citizens, as a logic consequence of their economic growth during the first three decades after the Second World War.

In the last 20 years, the Northern countries discovered that economic growth was not enough. Though their economic growth became smaller, it was still there. And yet they discovered that unemployment was structural and long-term unemployed people became easily marginalized. And they started speaking about exclusion.

Paradoxically, however, the more the phenomenon became widespread and vital for the individuals concerned and for the whole society, the more governance stayed attached solely to economic goals as their horizon.



III. Civic and Social Rights

This was clearly felt at the level of the European Union. Between 1995-96 (end 1995, early 1996 ?) the 'Comité des Sages', a small group of academicians and politicians with the irreplaceable support of the rapporteur, Jean-Baptiste de Foucauld, made several proposals which, in our mind, appeared - naively, as facts have demonstrated - as an opportunity for a refoundation of the European Union.

Sick as we were of the fallacy of the so-called 'European Social Model', (making all the twists imaginable in other regions of the world where social rights were ignored in order to get more commercial success), we undertook the task of attempting to give shape to that social model.

We considered essential to include social rights in the Amsterdam Treaty, but what is there is still a hangover from outdated ways of looking at social rights.

We proposed to look at work in a way as part of a continuum, in an active society; to decide in what way a welfare state should be restructured to make bold steps to enable men as well as women to reconcile their family responsibilities and professional activities, to strengthen the sense of participation and democracy in the European Union by treating civic and social rights as indivisible.

But these - like all other proposals to extend this process to the European Union - remained trapped in the preparation of a Treaty, discussed and prepared away from any political vision and sense of the times we live in.

Though, from an institutional point of view, the advance was small, the same is not true among the peoples of Europe.

Everywhere - if I can judge from the demands put upon my calendar - groups of people, international NGOs, are inventing ways of leading further a task that is decisive for Europe and for its dialogue with other regions of the world.



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IV. Signs of a new vision

Several other facts have taken place in the last three years which I look at as signs of hope.

- The Council of Europe, which has been the haven of civic and political rights, has moved courageously into social rights in the new terms. Its project on 'Human dignity' equated with 'fighting exclusion' is a clear signal of that sign. No doubt that also the massive participation of the former Communist countries has already brought into play their culture of social rights.

- During the discussions leading to the Amsterdam Treaty two major factors took place in Europe:
 - * A transnational group of social scientists created a Foundation of 'social quality' - trying to overcome the pitfalls of the so much dilapidated concept of development. They issued the Amsterdam Declaration where the 'social dimension' is reaffirmed in its partnership with the economic and the civic dimensions of human life.

 - * Another transnational event was a statement of several hundred economists in Europe reaffirming that economy contains other factors besides those that current governance implies. They stressed firmly 'the social and the environmental factors of economy'.

Of course, some wellknown names around the world for some 10 to 20 years had been contributing to this affirmation, but it was the first time that collectively economists were defining economics as encompassing elements that have to do with the quality of life of people.



Recently 'ecological economists' have reaffirmed in this country the urgent need for internalizing the costs of ecology into economics.

- This year, the Commission of Human Rights from the United Nations - whose mandate has been over the years to scrutinize the violations of civic and political rights as well as to review the progresses made in the accomplishment of such rights - has created the function of a Special Rapporteur on Social Rights whose mandate for the next three years is the investigation into the situation of basic education as a human right.

Among other things, this means that social rights will be also under examination as the civic rights have been.

- At the end of 96, the Independent Commission on Population and Quality of Life based its report on the concept of quality of life, measured by the fulfilment of human rights as agreed by the community of nations.

'What we have come to call quality of life, however difficult to define, finds its origin in the individual basic rights slowly developed during the last three centuries and since proclaimed by the United Nations. Because human beings are interconnected through a structured society, there are fundamental rights that correspond to humans' material, social and psychological needs. Even in society's simplest forms, these rights are always individual or collective (or both). When societies become States, national rights spring forth from the needs of the corresponding social institution. And as within each society, there are 'individual' and 'collective' rights for communities of nations.



'Today's conditions make it urgent that we proceed to reflect deeply on the interweaving of these individual and collective rights. As much as we declare the uniqueness and autonomy of each conscience - and the right of everyone to follow the dictates of his or her conscience - we also affirm that collective rights need clear definition in this era of globalization.

'Many individual rights have been codified in international legal instruments, whereas almost all collective rights are enunciated only through resolutions and action programmes adopted by the UN and other international organizations; the latter type has no legally binding force. The different categories of rights are not always in harmony with each other: dichotomies and contradictions exist.

'Rights represent formal acknowledgement by the collectivity - whether State, family, employer, or international community - of basic needs. They also seek to define (a) content and (b) the limits of the two-way relationship joining individuals and communities at different levels. Civil and political rights are considered among *basic* rights because they enable citizens to participate in decision-making in different roles, at many levels.

'Fulfilling needs depends on all the parties involved carrying out their obligations in a responsive, responsible manner. Without an implicit acceptance of responsibilities on all sides, the rights may remain little more than moral directions for social relations. Such directions never acquire the political and juridical weights necessary to influence effectively the behaviour of human beings.'



V. Basic Shift in Governance

I am proud to acknowledge

~~Allow me to say~~ that I based the concept of quality of life on the work done by Amartya Sen and some of his collaborators, namely, Martha Nussbaum.

As a philosopher, Amartya Sen has looked to the human being in his/her totality. Therefore he had to put into perspective the role of economics in governance. In one of his most recent books, specifically on India, he writes:

'On the eve of independence in August 1947, Jawaharlal Nehru reminded the country that the task ahead included "the ending of poverty and ignorance and disease and inequality of opportunity".

'However, it is not hard to see that much of the task that Nehru had identified remains largely unaccomplished, and that we have fallen quite far behind the best performers. We have to ask what obstacles we face, how they can be eliminated, and whether we are already on course in remedying the underlying deficiencies.

'As Nehru pointed out, the elimination of ignorance, of illiteracy, of remediable poverty, of preventable disease, and of needless inequalities in opportunities must be seen as objectives that are valued for their own sake. They expand our freedom to lead the lives we have reason to value and these elementary capabilities are of importance on their own. While they can and do contribute to economic growth and to other usual measures of economic performance, their value does not lie only in these instrumental contributions. Economic growth is, of course, important, but it is valuable precisely because it helps to eradicate deprivation and to improve the capabilities and the quality of life of ordinary people;



'The first and the most important aspect of Nehru's listing of what we have to do is to make clear that the elimination of illiteracy, ill-health, and other avoidable deprivations are valuable for their own sake - they are the tasks' that we face

'The more conventional criteria of economic success (such as high growth rate, a sound balance of payments, and so forth) are to be valued only as means to deeper ends. It would, therefore, be a mistake to see the development of education, health, care, and other basic achievements *only* or *primarily* as expansions of 'human resources' - the accumulation of "human capital" - as if people were just the *means* of production and not its ultimate *end*. The bettering of human life does not have to be justified by showing that a person with a better life is also a better producer.'

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Is there a better way to describe the challenge for governance in the next millenium?

The logic of the move from interdependence and indivisibility of human rights to the acknowledgement of the basic elements of quality of life as the task of all decision-makers leads to nothing else but to a revolution.

It is because they cannot face the implications of such a radical change that politicians keep limited to old-fashioned actions, like the false 'nationalisation-privatisation'.

There is not a 'third way' between neo-liberalism and social democracy. The third way is ahead, is in the shape of a totally new type of governance.



The tasks ahead are immense. But they are feasible, viable, if citizens and politicians alike are ready to think in new terms and to act accordingly.

First of all, it is decisive that governance may be looked at and exercised in two time-frames: the short-term and the long-term.

These two time-frames cannot be dealt with in an independent way.

The short-term has to look at decisions with the awareness that many of them lead to irreversible actions: e.g., what kind of energy you are using (do you build thermo-energy with fossile fuels, knowing that in the long run this will increase the warming of the climate - or do you decide to invest more now in alternative sources of energy, knowing that you will be contributing to a better future for every one?)

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The same reasoning can be applied to a fundamental individual right such as education: e.g. do you keep education and its budget in the wake of what the 'economically correct' management of the governance so far pruned by the IMF asks of you or do you give education (together with health and housing) the highest priority? In the first case you may keep the boat a-floating but you can be sure that you will have regularly this kind of problem, as in 10 or 20 years you will be still missing the educated people, the critical means able to deal with new and ever more complex problems.

But if you give education priority, at whatever cost, you will be sure of two things: one, you will have the talents and skills to face new situations; second, you are putting the quality of life of people in the top-list of your political goals.

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V. A new paradigm of ethics

All this cannot happen just out of good will, in a voluntaristic way. The tasks ahead cannot be expected to result from our logic of today, as new social constructs falling ripe into our hands.

They can only take place if a new move of ideals, aspirations, values, norms guide us.

A new paradigm of ethics is perceived at dawn. Ethics of response to what is needed in ideas and acts - the principle of responsibility.

Ethics to attention and concern for all, human and nature - the ethics of caring.

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