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# Push no one behind

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## ABSTRACT

One of the pillars of the 2030 Agenda for Sustainable Development is the pledge to ‘leave no one behind’. This paper argues that we must recognise that many people throughout the world are not just being left behind. They are being pushed even further behind, and their levels of well-being are falling, often in ways from which it is impossible to fully recover. Indeed, many are confronted with forces that lead to their avoidable premature deaths. Thus, development policies should have as their first priority to ensure that no one is pushed behind. The paper argues that this could be secured through a different way of framing economic policy, that focuses on the obligations of states to respect, protect and fulfil economic, social and cultural rights. The paper also highlights the ways in which deprived people are using the human rights system to claim their rights.

**Keywords:** 2030 Agenda, poverty, inequality, deprivation, dispossession, human rights obligations, human rights claims

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# Push no one behind

## 1 Introduction: How development can push some people behind

Development is a disruptive process. It changes people's lives, often for the better, though it sometimes bypasses them, leaving them behind. But for too many, the kind of development that prevails today *pushes them behind*, making them worse off in absolute terms, reducing their standard of living, depriving them of their livelihoods, and in the worst cases, depriving them of their lives.

Schumpeter recognised the 'creative destruction' of innovation, driving some businesses out of the market and ushering in new, more productive, ones. In Silicon Valley they say, 'Move fast and break things'. But all too often, if development is driven by the interests of powerful and wealthy owners of economic, social and political resources, what gets destroyed and broken is not just businesses and things, but people.

This paper discusses examples of people being pushed behind in all parts of the world: by land enclosure and appropriation in the name of improving productivity and infrastructure, (and sometimes in the name of mitigating climate change); by development-induced climate change; by pollution; by poorly designed and implemented trade liberalisation; by employment in conditions that are harmful to health; and by financial crisis and subsequent austerity policies. Evidence is presented from a range of studies, as there is no specific international body producing data on how many people have been pushed behind. But even one person driven to hunger, despair and or avoidable death, is too many. The chapter discusses what can be done to avoid pushing people behind, noting that there is no possible compensation that will make good some kinds of damage (such as premature avoidable death or loss of culturally-valued ancestral lands), and that where compensation would be possible (such as for loss of income and employment), it often does not materialise. The paper argues that if economic policy had to face the test of compliance with human rights treaties, the process of people being pushed behind would be ended. Measures that can contribute include strengthening the land rights of peasants and indigenous people, ending subsidies to for industries that produce harmful emissions, regulations to reduce pollution, subsidies for clean technologies, ending the drive for trade liberalisation and financial liberalisation, strengthening the rights of workers to a safe and healthy workplace, and institution of effective systems of employment creation and social protection. All of these would be given priority if human rights were used as a policy framework; and many organizations campaigning for these kinds of policies are using the human rights system as a resource to strengthen their efforts.

## 2 Land enclosure and appropriation

It has been estimated that governments and private companies from United States of America, United Kingdom of Great Britain and Northern Ireland, Australia, Republic of Korea, China, India, United Arab Emirates, Saudi Arabia and South Africa have sought rights to about 50 million hectares of farmland in developing countries to grow food, biofuels and other crops since 2000 (Doss, Summerfield, and Tsikata 2014).

Food insecurity, large food import bills, rapid rural-urban migration and high rates of youth unemployment, are among the pressures that have led many African governments to welcome new investors, and to give on preferential terms, large tracts of land to foreign governments, corporations and individuals. The hope has been that development of large scale agriculture would result in technology transfer, increase productivity, and create decent employment for young people. But, argue Hall, Scoones and Tsikata (2015:1): 'governments have often allocated to investors land that is occupied, used, or claimed through custom by local people, resulting in disrupted livelihoods and even conflict'.

Case studies from Nigeria, Ghana, Ethiopia, Kenya, Tanzania, Malawi, Mozambique and the Congo found that many land deals were done in secret or without consultation with local communities, without transparency, accountability and participation (Hall, Scoones and Tsikata 2015:13). In some cases, only a fraction of the land that smallholders and

pastoralists lost was placed under cultivation. In some cases, some new wage employment was created but the number of jobs was far below what had been projected and was mainly casual and seasonal work at low rates of pay (as compared with other similar employment in the locality). People who retained some land were often incorporated as out-growers but often on adverse terms, especially for women whose control of productive resources and cash income was undermined (Hall, Scoones and Tsikata 2015:27).

People who were already marginalised lost access to land and water, as commons were enclosed. As Hall, Scoones and Tsikata 2015:15 note:

such losses are often incalculable and represent a ratcheting down of livelihood assets for poor communities. After losing the resources on which they survive, they may simply not be able to recover. This is because livelihood strategies involve multiple activities dependent on social and economic relationships and ecosystems that, once disrupted by land deals, cannot be revived and are seldom if ever adequately compensated for.

Not surprisingly, some of the dispossessed people have resorted to resistance, including court cases, demonstrations, illegal grazing, and violent land invasions (Hall, Scoones and Tsikata 2015: 19-20). Some people did experience benefits, especially in nearby towns where agricultural processing and marketing takes place. But these benefits did not necessarily go to the people who had suffered the biggest losses (Hall, Scoones and Tsikata 2015:21).

Land is not only appropriated for large scale agribusiness but also for manufacturing, mining and infrastructure. For example, Dalley and Pallas (2014) consider the appropriation of land to set up *Special Economic Zones* in India. Between 2005 and 2010, 571 proposals for new SEZs were approved. Research for the International Land Coalition found that although landowners received some compensation, hundreds of thousands of rural people faced dispossession and eviction, most of whom lacked the skills necessary to take up employment in the new industries (Dalley and Pallas 2014:190). A study of the Polepally SEZ in Andhra Pradesh found that villagers had lost 1000 acres of farmland and food security was jeopardized. Older, tribal and illiterate women could not get jobs in the SEZ. Increases in poverty, indebtedness and loss of employment led to increased alcoholism and death among men, and increases in violence against women. Women were leading the opposition to the SEZ.

An example for mining is provided by Yang, Zhao and Ho (2017) who researched the impact of underground mining in China, finding that it has frequently led to severe subsidence and the eviction of millions of farmers. It is estimated that the number of displaced people in Shanxi alone is more than 2.3 million, a figure that exceeds the number of persons displaced by the Three Gorges Dam. Yang, Zhao and Ho (2017) found that there was insufficient compensation for displaced farmers, who expressed concerns over higher living costs in the relocation villages. They also found widespread conflict between farmers, mining companies and local government.

Displacement for infrastructure development is widespread, with dams being a particularly egregious example. The World Commission on Dams concluded that while dams have made a significant contribution to human development, in too many cases an unacceptable and often unnecessary price has been paid to secure those benefits. For example, dams have physically displaced 40-80 million people worldwide, and most of these people have never regained their former livelihoods. Moreover, compensation has usually gone only to those in possession of legal titles, leaving out a large number of people – often the poorest – who depend on common resources such as forests and grazing grounds for subsistence (World Commission on Dams 2000:104-105). As the Commission concludes (p. 106): ‘Involuntary, traumatic and delayed relocation, as well as the denial of development opportunities for years and often decades, has characterised the resettlement process. For millions of people on all continents, displacement has essentially occurred through official coercion’. The Commission found that the replacement of agricultural land, basic services and infrastructure at resettlement sites has often failed to materialise, was inadequate, or was delayed for many years.

Even if they do not lose their land, farmers are vulnerable where agricultural development has encouraged small farmers to shift from low-risk/low-input subsistence crops to high-risk/high-cost export crops. Faced with volatile international prices and high costs of credit, farmers can become increasingly indebted. Small highly indebted farmers are particularly vulnerable. In India there is considerable case study evidence that links these conditions to increases in farmer suicides

(Deshpande and Arora (eds.) 2010). A quantitative study by Kennedy and King (2014) found that almost three-quarters of the inter-state variation in suicide rates is accounted for by the percentage of marginal farmers, the extent of cash crop production, and the extent of farmer indebtedness.

The most egregious examples of people being pushed behind have been suffered by indigenous peoples. Military conquest, appropriation of land, forced relocation, exposure to disease, and forced assimilation have led to some groups dying out completely, while others have survived but suffer very poor physical and mental health, with high rates of alcoholism and suicide, in response to the destruction of their way of life. This prevails in rich countries like United States, Canada and Australia as well as in developing countries (Samson and Gigoux 2017).

The *State of the World's Indigenous Peoples* (UN DESA 2009: 1) found that:

The situation of indigenous peoples in many parts of the world continues to be critical: indigenous peoples face systemic discrimination and exclusion from political and economic power; they continue to be over-represented among the poorest, the illiterate, the destitute; they are displaced by wars and environmental disasters; the weapon of rape and sexual humiliation is also turned against indigenous women for the ethnic cleansing and demoralization of indigenous communities; indigenous peoples are dispossessed of their ancestral lands and deprived of their resources for survival, both physical and cultural; they are even robbed of their very right to life.

Particularly adverse impacts on gender relations have been documented for many indigenous groups that have been dispossessed of their land (Samson and Gigoux 2017:100). In many parts of Latin America, for example, indigenous women's roles complemented those of men, focusing on food and land. With the removal of indigenous peoples from their lands and the influx of cheap manufactured foods, women's status has been downgraded. Indigenous women in Latin America now face sexual violence and domestic abuse on a large scale, as well as numerous other health problems that are related to induced changes in indigenous societies. There are similar problems in indigenous settlements in United States and Canada and Australia. Men and women and children all suffer social and psychological destabilization, with high rates of depression, substance abuse, and suicide, especially among men (Samson and Gigoux 2017: 101-104).

### **3** Development-induced climate change

In 2017 fierce storms and floods have devastated large parts of Asia, Africa, the Caribbean and parts of the United States. While storms and floods have always occurred, destroying lives, homes, crops, infrastructure, it seems that their frequency and intensity is being exacerbated by development -induced climate change (Ward 2017). The prevalent forms of agricultural and industrial development are giving rise to emissions that have led to global warming. Average sea surface temperatures have been rising, which tends to promote stronger storms. A warmer atmosphere holds more water which tends to lead to heavier rainfall.

Climate change migration is reaching crisis proportions, according to Robert Glasser, the UN Secretary General's Special Representative for Disaster Risk Reduction and the head of the UN Office for Disaster Risk Reduction, and William Lacy Swing, the Director General of the International Organization for Migration (Glasser and Lacy Swing 2017)). They note in 2015 and 2016, more people were forced from their homes by extreme weather events than by conflict. The Internal Displacement Monitoring Centre found that over 40 million people have been internally displaced by floods, storms, and, in some cases, earthquakes, volcanic eruptions and landslides, in 2015 and 2016.

The IMF (2017) has noted the ways in which climate change is pushing low income countries behind. It estimates that by 2100 income per head in a typical low-income country would be 9 per cent lower than it would be in absence of temperature increases. Agricultural output will be lower, productivity will be lower, investment lower and health poorer. The IMF (2017:140) calls for a global effort, concluding that:

Domestic policies alone cannot fully insulate low-income countries from the consequences of climate change, as higher temperatures push the biophysical limits of ecosystems, potentially triggering more frequent epidemics, famines and other natural disasters, fuelling migration pressures and conflict risk.

However, poor design of policies to address harmful climate change runs the risk of being detrimental to some disadvantaged groups. There is evidence that climate change mitigation projects promoted under the Clean Development Mechanism and the Reducing Emissions from Deforestation and Forest Degradation framework on the UN Convention on Climate Change can have detrimental impacts on poor and disadvantaged social groups and be captured by more powerful interests. Some forestry projects have led to exclusion of people from the forests on which they had relied for much of their subsistence. Large scale hydropower development has at times meant population resettlement and loss of livelihoods (Corbera, Hunsberger and Vaddhanaphuti 2017).

## 4 Pollution

Pollution of air, water, soil and workplaces is responsible for diseases that kill at least 9 million people a year, mainly in developing countries, which suffer from 92 per cent of pollution-related deaths. This is more than three times as large as deaths from aids, malaria and TB, together responsible for 3 million deaths (Lancet Commission on Pollution and Health 2018). Children face the highest risks because small exposures to chemicals in utero and in early childhood can result in lifelong disease, disability and premature death.

While some forms of pollution, such as from sewage-contaminated water and wood and dung indoor cooking stoves, is reduced by development, new forms, such as outdoor air pollution, are produced by industrialization and motor transport. It is estimated that indoor air pollution from wood and dung stoves caused 2.9 million deaths in 2015, but outdoor pollution from vehicles and industry caused 4.5 million deaths (Lancet Commission on Pollution and Health 2018). The deaths from outdoor air pollution are set to rise rapidly in many countries unless measures are taken.

Accelerating the switch to cleaner sources of energy will reduce air pollution and improve human and planetary health. Pollution can be reduced without bringing development to a standstill, as is shown by the success of Clean Air legislation in reducing levels of major pollutants in a number of developed countries. It is estimated that In the United States, investment in pollution control has returned \$200 billion each year since 1980 (\$6 trillion total) (Lancet Commission on Pollution and Health 2018).

## 5 Trade liberalization

Trade liberalization reduces employment in import-competing sectors and can improve employment opportunities in export industries. The case for trade liberalization is that the losses suffered in import-competing sectors are outweighed by the gains in export sectors, such that the losers can be compensated by transfer to new jobs, or by income transfers through a social protection system. However, in reality, compensation rarely works smoothly, even when safeguards are supposedly built into the trade agreement, and many of those who lose their livelihoods are not just left behind, but pushed behind, suffering a deterioration in their living standards.

An example is the North America Free Trade Agreement between Mexico, United States and Canada, that came into force in 1994, and which, like all recent trade agreements covers not only tariffs but also cross border investment and many aspects of domestic policy. For instance, NAFTA required Mexico to change its constitution to permit foreign investors to purchase land. There is a NAFTA side-agreement which is supposed to protect labour rights but it is very weak compared to the side agreement on intellectual property rights (Aydiner-Avsar and Elson 2011).

The United States introduced a programme to assist American manufacturing workers suffering NAFTA-related employment loss, through temporary financial assistance and re-training, but it was under-funded and difficult to access. Only a fraction of those workers certified as eligible for assistance actually received the benefits to which they were entitled (Aydiner-Avsar and Elson 2011:203-5). Research on job loss by social group found that workers with a high school certificate or less were particularly hit (Scott et al 2006). A study published in 2001 found that only two thirds of workers dislocated from high import competing industries found a new job within one to three years, and 40-50 per cent of those that were re-employed experienced a loss in earnings (Kletzer 2001). Thus, many low and middle -income Americans did not benefit from NAFTA and their living standards deteriorated.

In Mexico, there was a gain in manufacturing jobs but small low-income farmers were unable to compete with large scale American farmers (Serdan-Rosales and Salas 2011:184-185). An income transfer programme was introduced to mitigate some of the impact of NAFTA on small farmers but this was underfunded and time-limited. The North American Development Bank which was brought into operation at the same time as NAFTA operated only in Mexico's northern border states, while the negative impacts of trade liberalisation were felt more in the southern states of Mexico. Around two million jobs were lost in agriculture, and migration to United States increased, with an increasing proportion coming from states that had not historically had high rates of migration but which had been hard hit by NAFTA's impact on small farmers (Serdan-Rosales and Salas 2011:185). One estimate suggests that the number of unauthorised Mexican migrants to United States increased from around 40,000 a year on average in the period 1980-84 to 485,000 a year on average in 2000-4 (Passel 2005: 16). Consumers are supposed to benefit from tariff reductions which are supposed to lead to cheaper prices for imported goods. But although imports of maize and wheat from United States increased, the price of tortillas, maize and cereals went up at a rate higher than the consumer price index. One explanation is that markets were far from competitive after United States multinationals bought corn-processing and tortilla making factories in Mexico (Serdan-Rosales and Salas 2011:191-2).

It appears that policies in United States and Mexico failed to ensure that those adversely affected by trade liberalization would not be pushed behind. The potential for compensation that economic theory suggests that trade liberalization provides was not in fact realized.

## **6** Employment in conditions harmful to health

New employment opportunities in export industries can also have a destructive side. All too many have had adverse impacts on the health of workers, because of excessively long hours, exposure to hazardous materials, and unsafe factories and workshops. The Rana Plaza building collapse, in the Dhaka, Bangladesh in April 2013, claimed the lives of over 1,100 garment factory workers and injured many more.

As noted by the UNDP Human Development Report (2015:40), in a global assessment:

Millions work under abusive and exploitative conditions that violate their basic human rights and destroy their dignity, such as child labourers, forced labourers and trafficked workers...And millions of domestic, migrant, sex and hazardous-industry workers make their living in ways that are dangerous.

Even in countries where a considerable number of workers belong to trade unions, the coverage of collective bargaining agreements has declined during the past two decades (World Bank 2014:63). In addition, while there has always been a large informal economy, especially in developing countries, there has been a rapid growth of insecure informal work characterized by poor employment conditions, low wages and lack of protection against non-payment of wages, layoffs without notice or compensation, compulsory overtime, unsafe and unhealthy working conditions, and the absence of social benefits such as health insurance, sick leave, pensions or social security (Kiai 2016). It is not surprising that the share of national income going to labour has fallen in both developed and developing countries (ILO 2013).

## 7 Financial crisis and austerity responses

Financial liberalisation was supposed to improve the efficiency of financial systems and mobilise more funds for development. Instead it has led to economic fragility, volatility and financial crisis, such as the Latin American debt crisis (early 1980s), the Asian Financial Crisis (1997-8) and the 'Global' Financial crisis (2008-9). The adverse impacts of financial crises were intensified by the fiscal policies that were adopted in response, which emphasised cuts to public expenditure to reduce budget deficits that had ballooned as a result of the crises (UN DESA 2017 :59-72, 83-84, 101-105).

There is a wealth of evidence showing that these austerity responses reduced living standards of many of those who already had least. UNICEF led the way with a path breaking study on the impact on children in developing countries in the 1980s (Cornia, Jolly and Stewart 1987) which found that in a number of countries the decline in infant mortality rates had slowed and in a few it had actually increased (p.30). The study also uncovered widespread increases in child malnutrition and reductions in school enrolment and attainment (p.34). There is no more profound way of pushing children behind than adopting policies that result in their premature death. Moreover, malnutrition in childhood leaves irreversible impacts on child development; and while loss of schooling might in theory be made good by future investments in adult education, this is unlikely to fully compensate those who lose out in childhood.

UNICEF has continued to investigate the impact of austerity policies on children, with research on the impact of the 2008/9 financial crisis on children in rich countries (UNICEF Office of Research 2014). It has found that the number of children living in severe material deprivation (relative to standards prevailing in rich countries) in the 30 countries for which data was available was 11.1 million in 2012 –1.6 million more than in 2008. Nutrition standards have fallen and use of food banks increased dramatically. Since 2008, the position of the poorest children has worsened in most of the countries studied. In addition, the numbers of young people aged 15-24 who are not in education, employment or training had risen dramatically in many countries. In the European Union, 7.5 million young people were in this situation in 2013 – nearly a million more than in 2008.

Many low-income women have also been adversely affected, though female labour force participation rates have sometimes risen. The immediate aftermath of the crises was employment loss, sometimes disproportionately affecting adult men in sectors like construction. In such cases there tended to be an 'added worker' impact for women in developing countries, as more women entered low income informal employment to try to compensate for loss of male earnings- not so much empowerment of women as distress sales at knockdown prices (Elson 2013; UN Women 2014).

All over the world, women tend to make more use of public services than do men, because of their unpaid care responsibilities. UN Women (2014) suggests that the 2008/9 crisis and subsequent austerity measures have intensified unpaid care work burdens for women beyond what can be absorbed without ill-effect. It concludes that when critical public investments and decent jobs and income opportunities are not forthcoming, human capacities can become depleted through undernutrition, school dropouts, family break-ups and rising levels of violence and intolerance.

Low income women are also particularly adversely affected by cuts to social protection payments: because the incomes they can earn from paid work are less than those of men, social protection payments tend to form a larger share of women's incomes. Analysis of the impact on individual incomes of cuts to social protection payments and changes in the tax system in the UK since 2010 has found that the hardest hit are low income Asian women. Asian women in the poorest third of households will on average have lost £2247 a year (in real terms) compared to what their incomes would have been in 2010 without the policy changes (19 per cent of their average 2010 income). In all ethnic groups and income groups, women will have lost on average more than men from these measures (UK Women's Budget Group 2017:21-23).

Following the 2008/9 crisis, some people lost not only income and employment but also their lives. A study of 54 countries estimated that there were 4884 excess suicides in 2009 (Chang et al. 2013). This effect was particularly stark among men in countries where job losses were the greatest, and levels of despair and loss of hope were high. In the European Union, suicide among men aged 15–24, a group with very high levels of unemployment, increased by 11.7 per cent in 2009 compared to expected trends based on 2000–2007 data (Chang et al. 2013).



## 8 Human rights as an alternative policy framework to ensure that no one is pushed behind

It is people who already lack economic, social and political power who are most at risk of being pushed behind by processes driven by those with more economic, social and political power, who seek to sustain and increase that power. The policy frameworks that are currently dominant<sup>1</sup> fail to provide adequate safeguards. Underpinning them is a utilitarian social ethic which judges policy in terms of the maximization of the greatest wellbeing of the greatest number, and takes for granted the prevailing distribution of private property rights. This is operationalized in terms of the pursuit of economic growth. Policies which increase output are judged to be efficient if the increase is sufficient for the winners to compensate the losers, in financial terms. The fact that compensation often never takes place, or that for some losses, money can never compensate, is disregarded. The utilitarian policy framework is a technocratic framework in which policies are designed by experts trained in mainstream economics. These mainstream economists identify market failures which they agree policy should correct; but also identify government failures, and advocate greater reliance on the market to correct these. Since the late 1970s, the dominant view has been that government failure outweighs market failure in relation to the objective of maximising the greatest well-being of the greatest number, given the distribution of private property rights.

An alternative approach, in terms of social ethics, understanding of policy process, and identification of rights that should be treated as foundational is provided by human rights. The Universal Declaration of Human Rights, a founding document of the United Nations, provides an alternative social ethic which judges policy in terms of its impact on the wellbeing of each person. As well as setting out specific political and civil and economic, social and cultural rights, the Declaration states that ‘Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized’ (Article 28). The great moral vision of the Declaration has been elaborated in a system of human rights treaties, treaty bodies, further Declarations on specific topics, reports of Special Rapporteurs and Independent Experts, and clarifications by international groups of jurists (Steiner and Alston 1996).

Particularly relevant to the issue of people being pushed behind are the obligations of states, as clarified in the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights, which differentiates three dimensions of these obligations (Office of High Commission for Human Rights 2005 Annex 5):

- The obligation to respect requires states to refrain from interfering with the enjoyment of economic, social and cultural rights.
- The obligation to protect requires States to prevent violations of such rights by third parties.
- The obligation to fulfil requires States to take appropriate legislative, administrative, budgetary, judicial and other measures towards the full realization of such rights.

The obligations to respect, protect and fulfil each contain elements of obligation of conduct and obligation of result. The obligation of conduct requires action reasonably calculated to realize the enjoyment of a particular right. In the case of the right to health, for example, the obligation of conduct could involve the adoption and implementation of a plan of action to reduce maternal mortality. The obligation of result requires States to achieve specific targets to satisfy a detailed substantive standard of realization of the relevant right.

Obligations are not confined to the state. Businesses have the obligation to respect human rights, as spelled out in the Guiding Principles on Business and Human Right which were developed by the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises. The Human Rights Council endorsed the Guiding Principles in its resolution 17/4 of 16 June 2011 (Office of the UN High Commissioner for Human Rights 2011).

<sup>1</sup> In particular, neo-classical welfare economics

The economic, social and cultural rights to which these obligations refer are spelt out in the International Covenant on Economic, Social and Cultural Rights. They include the right to work and the right to the enjoyment of just and favourable conditions of work, and the right to form and join trade unions; the right to social security; the right to an adequate standard of living, including adequate food, clothing and housing, and to continuous improvement of living conditions; the right to the highest attainable standard of physical and mental health; the right to education; and the right of everyone to take part in cultural life. The International Covenant on Civil and Political Rights also recognises the right to join and form trade unions, as part of the right to freedom of association.

Most economists have paid little attention to human rights, though Amartya Sen is a notable exception (Sen 2009), and Sakiko Fukuda-Parr directed a pioneering Human Development Report on *Human Development and Human Rights* (UNDP 2000). The connection between human rights and the capabilities approach was further explored in a special issue of the *Journal of Human Development and Capabilities* edited by Visard, Fukuda-Parr and Elson (2011). A more comprehensive approach, focusing on the obligations of states, is developed in Balakrishnan, Heintz and Elson (2016) and Balakrishnan and Elson (eds., 2011). These authors spell out in more detail how human rights can provide a better ethical framework for economic policy, providing guidance on the conduct of economic and policy processes and on the deployment of fiscal, monetary, financial and trade policy, so as to rule out policies that violate human rights, and to encourage policies that promote the progressive realization of human rights. They identify six key human rights principles that are particularly relevant for economic analysis and policy: progressive realization of economic, social and cultural rights; non-retrogression in enjoyment of these rights; ensuring satisfaction of minimum essential levels of these rights; non-discrimination and equality in the enjoyment of these rights; accountability, transparency and participation in policy processes; and use of maximum available resources for fulfilment of rights. Compliance with human rights obligations and principles would safeguard people against being pushed behind, with the principle of non-retrogression being particularly important.

Human rights standards are not just concerned with setting a floor below which people should not fall. Non-discrimination and equality in the enjoyment of rights is a central principle: and this does not just mean equality in formal, legal rights. Rights are to be exercised without discrimination not only on grounds of race, colour, sex, language, religion, political or other opinion, but also national or social origin, property, birth or other status (International Covenant on Economic, Social and Cultural Rights Article 2). Equality in the human rights framework means substantive equality in outcomes (Committee on Economic, Social and Cultural Rights 2005; UN Women 2015 chapter 1). It is true that human rights standards do not set a quantitative threshold for inequality in the distribution of income and wealth (in terms of measures such as the Gini coefficient, the Palma ratio etc). But it is not true that human rights have no implications for such inequalities. In general terms, the distribution of resources in a society consistent with a human rights approach would be one that guarantees that everyone enjoys human rights on the basis of substantive equality (Balakrishnan, Heintz and Elson 2016:37). There is plenty of evidence of the ways in which current levels of inequality in wealth and income hinder the realization of human rights. For instance, Wilkinson and Pickett (2009) show that countries with higher inequality have worse health outcomes, controlling for differences in GDP per capita.

The human rights approach directly addresses the gross inequalities in wealth that prevail in the world today by insisting that human rights should replace property rights in setting the parameters for policy analysis. It is true that the Universal Declaration of Human Rights does recognize in Article 17 that 'Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived on his property'. Thus, this right to own property is not only private but also collective; and it is the arbitrariness of deprivation of property that is ruled out, not redistribution of property per se. Moreover, this right is one among many in the Declaration, and is not an unqualified right. It has to be understood and interpreted in light of all other human rights, so it cannot be exercised in ways that violate other human rights. A key human rights principle is the indivisibility of rights, which means that all human rights have to be interpreted as an ensemble and their meaning understood as part of a whole. Moreover, the right to own property was not codified as a human right in either of the two foundational treaties<sup>2</sup> that translated the Declaration into international law.

<sup>2</sup> The two treaties are the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights

So, from a human rights perspective, it cannot be treated as the paramount right that forms the base line for evaluation of economic policy, unlike the presumption made in mainstream economic policy frameworks, such as welfare economics.

A human rights approach insists that there is no technocratic answer that can be read off from economic theorems and cost benefit analysis (Balakrishnan, Heintz and Elson 2016:8). Policy processes should be accountable, participatory and transparent. Appropriate quantitative analysis should inform policy choices, but only within the set of human rights-compliant policies. This means, for instance, that the labour rights set out in the international human rights treaties would not be treated as labour market distortions, but as foundational rights. Policy would accommodate to them, rather than seek to remove these rights. Thus, the human rights approach provides resources for intellectual contestation of the current dominant policy framework, a framework based on utilitarian ethics and private property rights.

## 9 Human rights as a resource in campaigning for policies that ensure no one is pushed behind

The human rights system also provides resources for social struggles to secure better policies. No one thinks that simply reminding governments that they have human rights obligations will secure compliance with these obligations. Compliance is unlikely to be secured without social mobilization, and human rights is an important resource for such mobilization, providing not only a moral vision and an international legal framework, but also a powerful language through which those pushed behind can articulate their grievances and see themselves as claimers of rights rather than as supplicants for charity. Many of the groups being pushed behind are already invoking human rights to support their resistance (see the International Network for Economic, Social and Cultural Rights, <https://www.escr-net.org>)

For instance, some groups of peasants resisting appropriation of their land are making use of the *Voluntary Guidelines for Responsible Governance of Land, Fisheries and Forests in the Context of National Food Security*, drawn up by the Committee on World Food Security after negotiations between states, civil society and development agencies. As Hall et al 2015:478 note:

While ‘voluntary’, the Guidelines reference existing binding international law and human rights norms, and so constitute the most definitive global framework regarding land and related natural resource rights.

The Voluntary Guidelines are proving to be a framework that can be used flexibly by social movements, including the International Planning Committee for Food Sovereignty and La Via Campesina, contesting land appropriations of various kinds (Hall et al 2015:479).

Indigenous people are mobilizing around the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted in 2007 by the UN General Assembly. Samson and Gigoux (2017: 155-157) note that indigenous peoples’ organizations involved themselves in the formulation and adoption of the Declaration, which recognizes indigenous collective cultural, social and economic rights beyond a Western legal framework focused on individual rights. The Declaration provides standards which can be used to appraise the policies of the World Bank and the Inter-American Development Bank toward indigenous people; and also in legal judgements on land issues. The Supreme Court of Belize issued the first judgment using UNDRIP, ruling in favour of a Mayan community that claimed property rights over their lands. However, effective implementation of legal rulings can be contested and slow. For example, in the *Sawhoyamasa v. the State of Paraguay* case, the Inter American Commission on Human Rights ruled in 2006 that the Paraguayan state had to return 14,000 hectares of traditional lands to the Enxet peoples, compensate them and support them with a development fund. It was only in 2014 that the Paraguayan government passed a law to expropriate ranchers who were, in effect, squatting on indigenous lands. In turn, the ranchers appealed to the Supreme Court in 2015, but their claims were rejected (Samson and Gigoux 2017: 174).

Trade unions are a form of human rights organization (Evans 2015). As shown by Compa (2008), from the 1990s onward, trade union advocates adopted human rights analyses and arguments in their work, and human rights organizations

began including workers' rights in their mandate. Internationally, the human rights organization Amnesty coordinates with global trade union organisations to tackle labour exploitation, and restrictions on the fundamental freedoms of assembly, association and expression. (<https://www.amnesty.org.uk/trade-unions-and-human-rights>)

Groups contesting austerity policies are using the procedures of the International Covenant on Economic, Social and Cultural Rights. For instance, in Spain, a coalition of NGOs took advantage of Spain's appearance in May 2012 before the UN Committee on Economic, Social and Cultural Rights to present a parallel report providing detailed evidence of retrogressions in human rights due to austerity measures. In the review session, the Committee raised many of the concerns raised in the shadow report with the government, probing in particular the human rights impacts of recent budget cuts, labour and health reforms, and housing foreclosures and evictions, as well as persistent discrimination against women and the Gitano (Roma) community (Balakrishnan, Heintz and Elson 2016: 133). In addition, the Chair of the Committee sent a letter (Pillay 2012) to all states that are party to the Covenant reminding them that they must ensure that in responding to financial crisis:

policy is not discriminatory and comprises all possible measures, including tax measures, to support social transfers to mitigate inequalities that can grow in times of crisis and to ensure that the rights of disadvantaged and marginalised individuals and groups are not disproportionately affected; [and that] the policy identifies the minimum core content of rights, or a social protection floor, as developed by the International Labour Organisation, and ensures the protection of this core content at all times.

A social protection floor is certainly a vital component in ensuring that no one is pushed below an agreed standard in terms of access to public services and income transfers. It supports the realization of many aspects of human rights in times of economic crisis. But it is insufficient to deal with all cases where people are being pushed behind, as it cannot by itself address the socially destabilising aspects of loss of livelihood, such the despair and loss of hope that stems from loss of meaningful work, and loss of land. Nor the destruction of human wellbeing through work which is detrimental to health. Nor the loss of dignity and worth, the importance of which is emphasised in both the UN Charter and the Universal Declaration of Human Rights. Measures that can contribute to preventing such losses include strengthening the land rights of peasants and indigenous people, ending subsidies to industries that produce harmful emissions, regulations to reduce pollution, subsidies for clean technologies, ending the drive for trade liberalisation and financial liberalisation, strengthening the rights of workers to a safe and healthy workplace, and institution of effective systems of employment creation, and macroeconomic policies that support this.

## 9 Conclusion

What is needed to prevent anyone being pushed behind is a different kind of development that is not driven by financial calculus and the interests of those who possess economic, social and political power, and takes private property rights as foundational; but one that puts first the dignity and worth of each human being, takes human rights as foundational and seeks to realise everyone's human rights on a basis of substantive equality. The sustainable development goals go some way to address the creation of better forms of development but fall short in many ways. Evaluating policies against human rights obligations can point us in the right direction, and can help to build coalitions between different groups across the world who are struggling for social justice. All policies should be subject to the question: is this policy likely push some one behind, and if so, will this loss be mitigated or must it be prevented from happening in the first place?

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