

Universalizing the Universal Declaration (of Human Rights)

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ABSTRACT:

In a chapter titled “Worldwide Real Freedom for All” in my 2004 *World Democratic Federalism: Peace and Justice Indivisible*. I discussed an unconditional ‘planet-wide citizen’s income’ (PWCI) that would be identical for every man, woman and child to be financed in part by world-level taxes. (Each jurisdiction would, of course, be free to supplement the pwci for its own residents.) In this paper I invoke the 1948 Universal Declaration of Human Rights (UDHR) to make the case for universalizing the commitments expressed there which some now regard as part of international customary law. The principal points on which I focus are:

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration. . . .

Article 3. Everyone has the right to life, liberty and security of person.

Article 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized. . . .

I argue that the nature of 21st century globalization and the attendant environmental crisis urgently require that we move to global solutions (including a planet-wide basic income) that go well beyond nation-centric approaches to poverty elimination, employment and provision of social services, concentrated wealth and power and sustainability.

In 1835 Alexis de Tocqueville wrote in Democracy in America:

. . . the gradual progress of equality is something fated. The main features of this progress are the following: it is universal and permanent, it is daily passing beyond human control, and every event and every man helps it along. . . . Does anyone imagine that democracy, which has destroyed the feudal system and vanquished kings, will fall back before the middle classes and the rich?

An essential part of the global rise of human rights, which is largely congruent with equality, is the emphasis on the security of the person and of peoples in the fullest sense of the word, including increasingly the right to a basic income and essential social supports. Those of us here at this 14th conference of BIEN are intertwined as both effect and cause of the inexorable, yet sinuous, extension of this “gradual progress of equality.”

In the 177 years that have elapsed since de Tocqueville expressed his hopeful vision, there has been a considerable spilling of both ink and blood on the arduous journey to equality. Simon Kuznets’ inverted U curve, which suggests a sanguine process of increase in inequality followed by a progression to equality, seriously underestimates what can be characterized as a continuing wave motion of succeeding periods of rising and falling inequality. In the last century and one-half of the last millennium, the world witnessed a succession of increases and decreases in inequality. In the most recent decades inequality has increased and, despite the rhetoric, many rights have been eroded.

Like impatient children, we continue to ask with respect to the progress of equality: “Are we there yet?” No, we are not there yet, but I shall assert that the objective may well be within our grasp and we must redouble our efforts to assure that de Tocqueville’s dream moves to the top of the global policy mix. Every event and every man and woman help it along.

In support of my contention, I shall highlight the trajectory of the human rights agenda since the end of the Second World War. What Michael Ignatieff calls the rights revolution¹ is quite likely not attributable to one factor, but rather a concatenation of causal factors all of which are both cause and effect of a major change of discourse and of policies. We are witnessing a snowball that grew slowly at first and may, before we know it, produce an avalanche which may irrevocably change our lived reality.

A proximate cause is suggested by the latest wave of increased inequality (associated with the high inequality stage of the Kuznets inverted U curve). As long as the common perception is that most of us benefit from our grip of the coattails of those who gain most from the existing system, we have neither jealousy nor complaints. When trickle down is replaced by a predominant flow of income and wealth to already “have-a-lots”, then the approval of perceived ‘co-conspirators’ vanishes.

Discourse change has been fed by the uneven experience of development in the decades since the Second World War and by the spread of ideas and new institutions, by the experience of development itself and the development of a consciousness of the possibility for change.

The post Second World War quest for human rights is generally associated with the Universal Declaration of Human Rights (UDHR). The inspiration for the Universal Declaration can be traced to countless sources, many of which date from antiquity. An immediate stimulus to the drafting of the Universal Declaration can be thought to date to Franklin Delano Roosevelt’s “Four Freedoms” address to the US Congress on January 6, 1941, 11 months prior to the entry of the US into the Second World War. Roosevelt

concluded his statement by proclaiming that each freedom can be extended to the rest of the world.

Roosevelt stressed that his vision was “a definite basis for a kind of world attainable in our own time and generation” and not “a vision of a distant millennium.” Among the freedoms was “freedom from want -- which, translated into world terms, means economic understandings which will secure to every nation a healthy peacetime life for its inhabitants -- everywhere in the world.” The other three freedoms are freedom of speech and expression, freedom of every person to worship God in his own way and freedom from fear. Roosevelt’s four freedoms are described in the second paragraph of the Preamble to the Universal Declaration as having “been proclaimed as the highest aspiration of the common people.”

When the United Nations General Assembly adopted the Universal Declaration on December 10, 1948, all Member countries were called upon “to publicize the text of the Declaration and ‘to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories.’”² To facilitate dissemination of the UDHR, there are currently available on the web translations in close to twice as many languages as there are members on the UN.

Nonetheless, as the UDHR was proclaimed three years after the UN Charter and four years after the Bretton Woods Conference, human rights were already effectively relegated to be but a footnote in the Cold War context.³ At the time of the proclamation of the Universal Declaration, human rights were neither an economic nor a political

priority. Moreover, Article 2, section 7 of the UN Charter pre-empted any active role for the UN in the conduct of national policies.

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter . . .

For purposes of a discussion of Basic Income, it is useful to quote at least three of the provisions of the Universal Declaration which seem particularly relevant:

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Article 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Despite considerable progress on human rights, we are now in the second decade of the “distant millennium” of which Roosevelt spoke in 1941. Freedom from want everywhere in the world is still far from being attained, nor have we yet realized worldwide freedom of speech, freedom of worship and freedom from fear.

The Universal Declaration was to be the first part of an International Bill of Human Rights. However, it was not until 1966, some 18 years later that the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights were finally approved.⁴ Another 27 years elapsed before agreement could be reached on the creation of the Office of High Commissioner for

Human Rights in 1993. While there has been a succession of human rights Conventions and Declarations,⁵ progress on the ground has been slow and uncertain. Basic human rights in the Global South tended to be treated, especially from 1980 to 2000, as an outcome that will flow from the policy mix referred to as the Washington Consensus.

The term Washington Consensus was coined by John Williamson in 1989 to refer to a set of neoliberal policies that had already been the practice in numerous developing countries for a decade or more: essentially a new label for exported Thatcherism or Reaganism. As summarized by Williamson in 1990 and 2004⁶ there were very limited explicit references in his 10 point list to any of the rights referred to in the 1948 Universal Declaration, except the right to own property. He justifies primary health care and primary education not as rights, but as pro-poor policy.

New Initiatives for a New Millennium

Thomas Weiss, one of the leading experts on the United Nations, has spoken of the UN as comparable to a group of sovereign states that each go their separate ways. This appears to have undergone a major transformation in association with the launching of the Millennium Development Goals (MDGs) and the transformation the UN's Administrative Committee on Coordination (created in 1946) into the United Nations System Chief Executives Board for Coordination (CEB) in 2001. The CEB has 29 members: the Secretary-General who serves as Chair and the heads of 28 UN member organizations.

In a symbolic, if not actual, sense, the IMF and the WB now sit around a table where twenty-five other agencies are present at the twice annual meetings of the CEB. This change is not simply a rearrangement of deck chairs, but rather a serious step at

seeking a consistent voice on policy matters. In an age when interdependence is a significant part of our reality, the numerous bodies that form part of the UN System must not be functioning at cross purposes. Each of those with a strong agenda will have to accept some water in their wine if common purposes are to be realized. If all major players are not only on the same page, but that page happens to be one on which securing human rights is a primary objective one can reasonably be hopeful for fulfillment of the promise of the Universal Declaration.

In fact, this major operational change has barely been noticed by scholars. Neither of the two pre-eminent scholars -- Thomas Weiss in What's Wrong With the United Nations and How to Fix It (2008) nor Paul Kennedy in The Parliament of Man (2006) -- give any references to this coordination. A July 2011 search of the H.W. Wilson Social Sciences full text bibliographic database brought only 3 references to the CEB, all to articles which appeared in the UN Observer between 2004 and 2007.

The record of the April 2012 meeting of the CEB maps out a new path where human rights, equity and a more active world government play a central role. Unlike the 2004 Monterrey Summit on Innovative Sources of Development, which was under a gag order to avoid any reference to taxes, the CEB document calls for a more active UN and for recourse to international taxes.⁷ A mature world cannot rely on charity, but must have recourse to a system of world public finance. This principle was clearly enunciated by France in 1789 its Declaration of the Rights of Man (Article 13): “A common contribution is essential for the maintenance of the public forces and for the cost of administration. This should be equitably distributed among all the citizens in proportion to their means.” (emphasis added) As we now live in the Anthropocene, that principle

should apply today at all levels from the local to the global.

Are we now well into an alternative consensus? If it hasn't already been named, might we call it the Geneva Consensus to reflect the work of the United Nations agencies located there and especially the International Labour Office (ILO) which consistently promotes many of the values of the Universal Declaration. The Geneva Consensus might well be regarded as either an anti-Washington Consensus or as an overdue complement that puts the missing human dimension at the top of its agenda. Since the appointment of Juan Somavia as its Director General in 1998, the International Labour Office has been relentlessly working to make well-being rights the central principle of policy discourse, north and south. During Somavia's 14 years at the ILO the focus has broadened from decent work to a social protection floor for all, whether workers are in the formal or informal sector and for those not part of the labor force either by virtue of age, circumstances or choice.

Two discourses which have been going on independently over the past couple decades are beginning to overlap increasingly: human rights (HR) and basic income (BI). While human rights and basic income are not limited to questions of poverty elimination, those concerned with poverty are increasingly bringing together HR and BI. Ten years ago almost to the day I attended my first BIEN conference which was hosted by the ILO at its Geneva headquarters. The conference was opened by Somavia who spoke of BIEN's focus on "income security as a right" as being close to the heart of the ILO. He concluded his prepared statement: "The moment may be nearing when your ideas will become common sense."⁸ As I shall describe and as you may already know, this was not a rhetorical flourish, but an expression of a serious commitment.

Under Somavia the ILO has been especially active in pursuing the mission for which the ILO was awarded the 1969 Nobel Peace Prize. The first decade of the 21st century saw the proliferation of studies at the ILO addressed to decent work and social protection, both of which are addressed in the Universal Declaration.

A crowning highlight of Somavia's direction of the ILO can be thought to be his having been responsible for enlisting his fellow Chilean Michelle Bachelet in August 2010 to chair an ILO-WHO team to address the question of a social protection floor, the focus of ongoing work at the ILO. Perhaps Bachelet, who had distinguished herself as President of Chile (2006-2010), could give a Social Protection Floor the kind of prominence that Gro Harland Brundtland had given to Sustainable Development in 1976. In the following month Bachelet was tapped by UN Secretary-General Ban Ki-moon to be head of the newly created UN Women's agency which was to combine four separate entities.⁹ Bachelet's appointment by the Secretary-General surely has given her Group's report in November 2011 even more notice than might have been anticipated.

A seasoned political veteran, Bachelet understands that one must have broad support for recommended initiatives otherwise the best of intentions are likely to be doomed. Bachelet's Advisory Group started their work with the joint sponsorship of the ILO and the WHO, but consulted widely. The Social Protection Floor Initiative is co-led by the ILO and the WHO and formally involves a group of cooperating agencies including FAO, IMF, OHCHR, UN Regional Commissions, UNAIDS, UNDESA, UNDP, UNESCO, UNFPA, UN-HABITAT, UNHCR, UNICEF, UNODC, UNRWA, WFP, WMO and the World Bank. In the Executive Summary of the Report entitled Social Protection Floor for a Fair and Inclusive Globalization¹⁰ one reads that it was

endorsed by UN Systems Chief Executives Board (CEB) and by Heads of State and Governments in the 2010 Millennium Development Summit (p. xxii).

As early as the second sentence of the Executive Summary of the report our failure to be true to our solemn promises is sharply highlighted:

Yet despite the six decades of strong economic growth that followed the adoption of the Universal Declaration of Human Rights, access to adequate social protection benefits and services remains a privilege, afforded to relatively few people.¹¹

The Social Protection Floor is based on the idea that everyone should enjoy at least basic income security sufficient to live, guaranteed through transfers in cash or in kind, such as pensions for the elderly and persons with disabilities, child benefits, income support benefits and/or employment guarantees and services for the unemployed and working poor. The combination of in-cash and in-kind transfers should ensure that everyone has access to essential goods and services, including essential health services, food security, primary education, housing, water and sanitation and others defined according to national priorities.

The UN Systems Chief Executives Board for Coordination (CEB) at its April 2012 meeting endorsed the recommendations of the Bachelet Advisory Group in a ‘synthesis report’ entitled “Fairer, Greener, more Sustainable Globalization” prepared by the CEB’s High-Level Committee on Programmes.¹² The title of the report reflects an endorsement of a public policy equivalent of the triple bottom line focus of the Corporate Social Responsibility principle. Moreover, they spoke about the need for international initiatives and even for international taxes and transfers to countries unable to meet the costs of their domestic social protection floor.

Two months later, in June, the ILO reported on the results of its International Labour Congress: it endorsed unequivocally the recommendation of the Bachelet Advisory Group that every country should establish a social protection floor appropriate to its circumstances which would combine a basic-income guarantee and provision of basic social services. The International Labour Congress, reflecting the tripartite (employers, workers and government) nature of each country's representation listed as its first resolution that it: "Invites governments, employers and workers jointly to give full effect to the Social Protection Floors Recommendation as soon as national circumstances permit;"¹³

A Closer Look at the Bachelet Report

The social protection floor may be seen in the broad perspective of a drive to realize key human rights, reflecting principles of social justice and providing an institutional framework for embedding fair development.

--Bachelet Report, p. 33

The Bachelet Report arrived at a crucial moment. It is already influencing discussions about the post 2015 MDGs and it may have even provoked a current push to assist in helping various countries come closer to their end of 2015 MDG targets. The Report urges nations to build on what already exists and to phase-in gradually increases in social protection. We are provided examples of countries that have implemented cash transfers using a variety of electronic delivery mechanisms. With biometrics no fixed address is needed to receive one's payment.

Social protection has been an important component in the current fiscal stimulus packages in a number of countries north and south. These increased cash payments to

individuals in today's context have an immediate demand expanding effect on the sale of necessities.¹⁴ Social protection represents, in fact, a “win-win” investment that pays off both in the short term, given its effects as macroeconomic stabilizer, and in the long term, due to the impact on human development and productivity

The Report insists that means tests and preconditions have no place in the design of a social protection floor. Details of policies from various developing countries are provided and G20 countries are encouraged to extend their own social protection coverage to provide additional examples that other countries might follow.

The Report endeavors to demonstrate that there is national ‘fiscal space’ to pay for social protection in a sample of eight countries. Some of the possible funding sources listed are mineral-based taxation, increasing general taxation, budget surpluses, sale of state assets, reduced military expenditures, debt and debt service reduction.¹⁵ In only one of the eight countries (Namibia) was official development assistance still expected to provide the needed ‘fiscal space’. It is here that we seem to run into the brick wall of resistance to ‘burden’ sharing. The Report repeatedly speaks of a pace and programs to be determined “according to national priorities and fiscal constraints.”¹⁶ When the International Labour Conference considered the Bachelet Report at its May 2012 meeting, it insisted in its recommendations on a “nationally defined minimum level” for health care and basic income security.”¹⁷ Nowhere in the Universal Declaration is there any suggestion that human rights are to be constrained by the financial resources available to specific jurisdictions. Differing national standards seems to be a step backward. This is a sharp contrast to the series of uniform minimum targets for the developing countries set in the MDGs. The High-Level Committee on Programmes of the

CEB, in contrast, took a bolder position, pointing to the need to consider international taxation.¹⁸ The much maligned Rio+20 consensus statement “The Future We Want” went furthest in the spirit of the Universal Declaration. Here is the first substantive paragraph of its statement:

Eradicating poverty is the greatest global challenge facing the world today and an indispensable requirement for sustainable development. In this regard we are committed to free humanity from poverty and hunger as a matter of urgency.¹⁹

It seems obvious that the social protection floor in Germany or Brazil would differ from the floor in Haiti or Nepal. But it also seems reasonable to insist that there be some explicit minimum floor below which no one should fall and that this be regarded as a right as promised by the Universal Declaration.

Pathways to a Basic Income & Social Protection

We are not there yet. Substantial efforts are necessary to counter a series of obstacles, the most serious of which is the persistence of the Westphalian sovereignty mindset which opposes concessions to world-level solutions.²⁰ A second obstacle is the self-centered attitude which I call NOOMI: Not Out Of My Income. To illustrate: one strongly favors poverty reduction as long as someone else pays the bills.

And yet it moves. Tectonic social shifts are in progress. Those of us who believe that a Basic Income is consistent with the promise of the Universal Declaration should be redoubling our efforts. If we have been at the fringes, we should move closer to center stage in making ourselves heard. There is enough evidence in the experiences of various countries with social protection that the case is stronger than it has ever been. One place where our input could be of signal consequence is in the design of the post 2015 MDGs. We should be front and center in those discussions.

We need to engage in a project to convey forcefully that a basic income and social protection are not just about the poor, but about the quality of society from local to global. Social protection must be freely available to all without the delays associated with confirming one's status. The UN General Assembly proclaimed in its Millennium Declaration of September 8, 2000 “. . .we have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level.” No triage is even hinted at. Our collective responsibility extends to all. Collective responsibility is the implication of World Citizenship.

I hasten to add that social protection should be available irrespective of one's immigration status. The CEB High Level Committee on Programmes observed that “an agreed international framework for orderly migration is needed” in view of the dramatic increase in human mobility.²¹ Increasingly urgent is the question of a social protection floor for migrants. If “everyone has the right to leave any country, including his own”²² how are the basic income and the social protection floor of migrants to be handled? This, too, must be on the agenda.

Inclusion is the watchword of the day. A basic income and a social protection floor – Buckminster Fuller preferred to speak more generously of a bare maximum – are imminently appropriate for fostering inclusion. The vision of a world that values inclusive social reproduction is one well worth working for. Imagine a world that values, both intrinsically and financially, and which has a place for all, including those who dedicate themselves to provision of health and education, caring, cultural creation, amateur sports, training, coaching, community involvement, democratic participation

and engagement. The discourse has been reframed and we have been a party to that process. The task is far from complete.

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Endnotes

¹ Michael Ignatieff (2000) The Rights Revolution.

² <http://www.un.org/rights/50/decla.htm>

³ In the words of Owen Lattimore: “Beyond the shores of our own country, all the many constructive possibilities of our foreign policy are being frozen by the cold war. The freeze is already so deep that nothing is left of foreign policy but the cold war itself.” Ordeal by Slander (Boston: Little, Brown and Co., 1950), p. 226.

⁴ In addition to the Universal Declaration and the two 1966 Conventions, the International Bill of Human Rights also includes the Optional Protocol to the International Covenant on Civil and Political Rights and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. <http://www.ohchr.org/Documents/Publications/FactSheet2Rev.1en.pdf>

⁵ Among them: 1965 All Forms of Racial Discrimination, 1979 Rights of Women, 1984 Torture, 1989 Rights of the Child, 1990 Rights of Migrant Workers & their families, 2007 Declaration on the Rights of Indigenous Peoples (preceded in 1989 by the ILO’s Indigenous and Tribal Peoples Convention). For a full list see: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UniversalHumanRightsInstruments.aspx>

⁶ <http://www.iie.com/publications/papers/paper.cfm?researchid=486> and <http://www.iie.com/publications/papers/williamson0904-2.pdf>

⁷ <http://www.unsceb.org/ceb/rep/hlcp/HLCP23-SoC-3%20April%202012.pdf>, p. 39, point 19

⁸ <http://www.ilo.org/public/english/bureau/dgo/speeches/somavia/2002/bien.htm>.

⁹ The UN Development Fund for Women (UNIFEM), the Division for the Advancement of Women (DAW), the Office of the Special Adviser on Gender Issues, and the UN International Research and Training Institute for the Advancement of Women (UN-INSTRAW). <http://www.un.org/apps/news/story.asp?NewsID=35912>

¹⁰ The report can be downloaded in English, French or Spanish from http://www.ilo.org/global/publications/books/WCMS_165750/lang--en/index.htm

¹¹ Bachelet Report, p. xxi.

¹² <http://www.unsceb.org/ceb/rep/hlcp/HLCP23-SoC-3%20April%202012.pdf> Annex 5

¹³ http://www.ilo.org/ilc/ILCSessions/101stSession/reports/provisional-records/WCMS_183326/lang--en/index.htm, p.108.

¹⁴ Bachelet Report, p. 53.

¹⁵ Bachelet Report, p. 71.

¹⁶ Bachelet Report, p. 92.

¹⁷ International Labour Conference, 2012 Text of the Recommendations Concerning National Floors of Social Protection. 14A/8.

¹⁸ CEB/2012/4, p. 39. The Bachelet Report does include a box describing innovative sources of financing that could be applied to social protection (p. 107), but seems to realistically expect in the near term that official development assistance can not be counted on.

¹⁹ Download at <http://www.un.org/en/sustainablefuture/>

²⁰ In the words of H.G. Wells: “All this experimenting and muddling towards world organization takes time. Meanwhile the old traditions remain very strongly established -- in the legal forms of government, in social habit, in our schools.: The Work, Wealth and Happiness of Mankind (London: William Heinemann Ltd, 1932) p. 650.

²¹ CEB/2012/4, p. 39.

²² UDHR, Article 13 (2). Note the asymmetry: there is no corresponding right to be accepted anywhere.