

'Poverty production' and human rights in the African context

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1 INTRODUCTION

Poverty is not new. It is not a recent affliction of humankind. It has always been with us. In that regard, I have argued elsewhere that of all the social phenomena that have a significant impact on human rights, poverty probably ranks highest.² Some have actually argued that poverty is in itself a violation of human rights.

Any meaningful discussion of the relationship between 'poverty production' and 'human rights' first requires a clear understanding of the two concepts. This in turn initially entails at least a working definition of the concept 'poverty'. The *Oxford Advanced Learner's Dictionary* defines poverty as the 'state of being poor'.³ 'Poor' is in turn defined as 'having little money; not having and not able to get the necessaries of life'.⁴ The *Collins Concise Dictionary* combines these two definitions by describing poverty as 'the condition of being without adequate food, money, etc.'⁵ The *New Encyclopedia Britannica* is somewhat more explanatory. It defines poverty as 'the state of one who lacks the usual or socially acceptable amount of money or material possessions.'⁶ According to these definitions, the condition of poverty is said to exist when people lack the means to satisfy their basic needs. These definitions are also consistent with the World Bank approach that defines poverty in terms of income and consumption levels. In so doing, the World Bank focuses on the inability of people to generate sufficient income to purchase the necessities of life, and poverty is said to be reduced or eliminated when people achieve a minimum standard of living.⁷ Needless to say that many scholars have rejected this approach arguing that it sidetracks crucial issues of inequalities in income

- 1 The original version of this article was presented as a paper at the Annual Conference of The Norwegian association for Development Research (NFLU) 'Ethics, human rights and development', University of Oslo, 13-15 September 2006.
- 2 See Mubangizi J 'Know your rights: Exploring the connections between human rights and poverty reduction with specific reference to South Africa' (2005) 21 *SAJHR* 32.
- 3 Hornby A *The Oxford Advanced Learners' Dictionary* (1999) 653.
- 4 *Ibid* 648.
- 5 *Collins Concise Dictionary* (1999) 1160.
- 6 *The New Encyclopedia Britannica* (1993) 652.
- 7 See The World Bank Annual Report (1966) at <http://www.worldbank.org/html/extpb/annrep96/annrep96.htm>.

distribution, social marginalisation and resultant social and political conflicts.⁸ It could therefore be argued that the problem does not only lie with institutions such as the World Bank and their approach to poverty alleviation, but also with the perceptions of the meaning of poverty and the way it is generally defined. Some scholars therefore view poverty as more of a political rather than an economic problem, initially originating out of the unequal and exclusionary process of economic development but accentuating due to the absence of distributive justice.⁹ It is, in my view, this absence of distributive justice that is largely responsible for 'poverty production', the definition of which we now turn to.

Simplistically speaking, 'poverty production' could be defined as the process of producing poverty. This concept is a new and recent addition to poverty terminology and it is mainly propagated by scholars such as Else Oysen who has tried to make a case for a new discourse on poverty production within the overall context of poverty research.¹⁰ She argues that 'the time has come to focus research on poverty production and to understand better the forces that keep on producing poverty in spite of all the many poverty reducing strategies that have been introduced.'¹¹ She further argues that 'unless new knowledge is acquired to stop those poverty producing processes, or even better reverse them, there is little gain in introducing measures to counteract those forces'.¹² These arguments should obviously be seen in the context of the fact that speaking of 'production' of poverty other than 'causes' of poverty suggests some positive action on the part of some actors or forces responsible for the poverty. Alternatively it may suggest the failure or omission on the part of such actors to act as they should in order to prevent or reduce poverty. Therein lies the relationship between poverty production and human rights if the belief that poverty is a violation of human rights is to hold true; which leads us to attempt a definition of the concept of human rights.

In a general sense, human rights are understood as rights which belong to an individual as a consequence of being a human being and for no other reason.¹³ Human rights therefore, are those rights which one possesses by virtue of being a human being and one need not possess any other qualification to enjoy human rights other than the fact that one is a human being. From this definition a link between poverty, poverty production and human rights can clearly be discerned. This is because just as with human rights which are unique to human beings, poverty is a condition that afflicts only human beings. Moreover, the actors or forces that are responsible for poverty production have as will be seen further below, a human element to them.

8 See Nuruzzaman M, 'Economic globalisation and the production of poverty in the South: A structural explanation' at <http://www.devnet.org.nz.conf/Papers/Nuruzzaman.pdf>.

9 *Ibid.*

10 See Oysen E 'Poverty Production: A different approach to poverty understanding' at <http://www.eldis.org/static/DOC11667.htm>.

11 *Ibid.*

12 *Ibid.*

13 See Piechowiak M 'What are human rights? The concept of human rights and their extra-legal justification' in Hanski R and Suski M(eds), *An introduction to the international protection of human rights* (2002) 3.

It should be noted that there are several other obvious links between poverty and human rights. As will be discussed in detail further below, there is no doubt that persistent patterns of human rights violations produce poverty. Conversely, effective mechanisms of human rights protection may contribute significantly to the alleviation of poverty. Furthermore, in the context of socio-economic rights which reflect specific areas of basic needs and necessities, poverty itself constitutes a violation of human rights. And nowhere in the world is this truer than it is on the African continent.

2 POVERTY IN AFRICA: A BRIEF OVERVIEW

The levels of poverty in Africa are well documented. So too is the extent of such poverty and its effect on the peoples of the region. Officially, sub-Saharan Africa is the poorest region in the world. For purposes of this article, the following facts are worth noting:¹⁴

- The total annual gross national product (GNP) of all African countries is about US \$300 million (roughly the same as that of Belgium), of which more than 50% is contributed by South Africa and Nigeria alone. Without South Africa, sub-Saharan Africa's share of world trade is just 1%;
- 184 million people (33% of the African population) suffer from malnutrition;
- During the 1990s the average income per capita decreased in 20 African countries;
- Less than 50% of Africa's population has access to hospitals or doctors; and about 200 million people (about 33%) have no access to health services;
- About 200 million people (40%) have no access to safe water;
- The average life expectancy in Africa is 41 years;
- Only 57% of African children are enrolled in primary education; and
- One in six children dies before the age of 5.

In view of the above statistics, the level and extent of poverty in Africa cannot be over-emphasized. The main argument in this paper is that such poverty is produced and compounded by several factors that are largely unique to the African continent. More important however, is the fact that such poverty production has far-reaching implications for the protection of the human rights of the African people. What follows is a discussion of the various factors and actors responsible for poverty production in Africa within the specific context of human rights.

¹⁴ These statistics are drawn from a variety of sources including the World Bank, *Can Africa claim the 21st Century?* (2000) and UNDP 'Facts on poverty in Africa' at <http://www.africa2015.org/facts-poverty.pdf>.

3 FACTORS AND ACTORS RESPONSIBLE FOR POVERTY PRODUCTION IN AFRICA

3.1 Globalisation and the role of the international community

Many people see poverty in Africa as a human creation, the outcome of an uncaring international community. They argue that 'the interests of the powerful have dominated discourse in a rapidly changing globalised world, and the shift of power from the people to the market and from state to the corporation under the rubric of globalisation has resulted in imbalanced structures of international trade and investment, uneven distribution of new technologies and an unjust allocation of resources as well as employment practices that work against the interests of the poor.'¹⁵

Under globalisation, it has been argued, the structural imbalance at the global level and the old-fashioned social and economic structures in developing countries such as those that form the African continent, interact to aggravate poverty production in those countries.¹⁶ A few examples will serve to illustrate this point. Take the problem of African debt as the first example. It is estimated that today African states owe foreign creditors an estimated US \$300 billion.¹⁷ To service this debt, African states must come up with some US \$15 billion each year.¹⁸ There are deep concerns about the juridical and moral basis of these debts and the exploitive nature of servicing them. Moreover, there are doubts about the fairness and appropriateness of such debts, some of which may have been designed not for the development of the borrowing communities but as loans meant for the repatriation of funds by corrupt leaders propped up by Western imperial interests.

Another example is the perpetual agricultural crisis facing African countries. Such a crisis is created by, among other things, the protectionist policies of the rich Western countries. These countries 'operate a battery of tariff and non-tariff barriers (duties, quotas, subsidies to domestic producers) against agricultural products from the Third World.'¹⁹ It is well known, for example, that the United States protects its sugar, tobacco and peanut producers. It is also well known that the European Union does not permit free trade in agricultural products that compete with those of its members.²⁰ These practices have the inevitable effect of hurting African agriculture leading to a decline in per capita production and thereby producing poverty.

A final example, which is related to Africa's debt burden, is in the form of the so-called Structural Adjustment Programmes (SAPs) which were imposed by the World Bank and the IMF on developing countries to ensure debt

15 See Das L 'The spectre of poverty in the Commonwealth: A serious violation of human rights?' at <http://jha.ac/books/bvO25.htm>.

16 See Nuruzzaman M (fn 8 above).

17 See 'Africa Debt' Africa action at <http://www.africaaction.org/resources/debt.php>.

18 See Nagan W 'Implementing the African renaissance: Making African human rights comprehensive for the new millennium'. The University of Georgia series on globalization and global understanding at http://cha.uga.edu/CHA-CITS/Nagan_paper.pdf.

19 See Ayitteh G *Africa unclaimed: The blueprint for Africa's future* (2004) 244.

20 *Ibid.*

repayments and economic restructuring. These programmes were imposed in a way that required poor countries to reduce spending on things like health, education and development in order to prioritise debt repayment and other economic policies. The main effect of these SAPs was to weaken and damage the interests of the poor and developing countries and to lower the standard of living of their people. This was because the SAPs were designed to dismantle the role of the state in economic development, liberalise trade and investment regimes and privatise economic activities.²¹

From the above examples it can be argued that globalisation and its proponents (the West), through their much hyped essentials of efficiency, creativity, ability and capacity, have contributed significantly to poverty production on the African continent.

3.2 Lack of democracy and poor governance

The link between democracy, governance, human rights and poverty is the basis of a largely complex but extremely important relationship. Many definitions and descriptions have been ascribed to the term 'democracy' but for the purposes of this discussion, we shall adopt the definition of Igracy Sachs and Amartya Sen who see democracy as 'a multidimensional framework of rights of equal participation in the distribution of power among political, economic, social and cultural domains of human activity which are interdependent'.²²

Good governance on the other hand is a term that 'is taken to encompass ... effective government, the implementation of a range of liberal macro-economic policies, sound and forward-looking leadership, the absence of corruption, and national and regional political and social stability'.²³ As such, good governance is a concept that can be used as a means test for the success and potential of economic policies and reforms. Taken together, these definitions assume that not only are democracy and good governance pre-requisites for effective protection of human rights but that state policies intended to combat poverty must themselves be democratised.²⁴

The history of post-colonial Africa is well documented. The main characteristics of that history include military dictatorships, autocratic regimes, one-party political systems and apartheid repression. Although it could be argued that the last decade or two has seen some improvement in democratic governance, the fact still remains that a number of African countries are not yet on a clear path towards consolidating democratic systems and institutions. According to one commentator, 'in these countries authoritarian governments have attempted to carefully manage the democratisation process

21 See Nuruzzaman M (fn 8 above). See also Shah A 'Structural adjustment – A major cause of poverty' at <http://www.globalissues.org/TradeRelated/SAP.asp>.

22 See Perez-Bustillo C 'The right to have rights: Poverty, ethnicity, multiculturalism and state power' in Wilson F, Kanyi N & Braathen E (eds) *Poverty reduction: What role for the state in today's globalized economy* (2001) 82.

23 See Mills G *Poverty to Prosperity: Globalization, Good Governance and African Recovery* (2002) 60.

24 See Perez-Bustillo C (note 22 above) 82.

and the legitimacy of electoral processes has fallen short of expectation'.²⁵ Zimbabwe, Uganda, Swaziland, Togo and Morocco are cases in point. The list could go on and on. In such countries, the democratic experiment has clearly failed, resulting in what could be referred to as 'virtual democracies'.

The sum total of all this is that lack of democracy and poor governance are critical factors not only in the violation of human rights but also in the process of poverty production. The actors are none other than the autocrats, dictators and generals at the helm of Africa's 'virtual democracies.' In the candid words of one commentator:

'... some of the avaricious, dishonest and heartless African leaders are responsible for auctioning and/or mortgaging the economic base of their countries for their personal gains. Some of these leaders divert money borrowed from international financial institutions and developed countries for development projects into their private pockets. The best economic constructions that these dictators have ever done for Africa is to dismantle their economic treasures and build them in the backyards of Europe and the USA.'²⁶

It is submitted that if these practices (embezzlement, capital flight, poor governance and corruption) are not halted, sustainable development in Africa will continue to suffer and poverty production will continue to flourish.

It should be noted that there is more to good governance (or bad governance) than democracy (or the lack of it). Indeed good governance should have the following characteristics:

- It should foster a culture of inclusive and competitive political participation;
- It should build robust national institutions to pursue effective and coherent national development strategies;
- It should improve economic management;
- It should consolidate the rule of law;
- It should strengthen oversight institutions; and
- It should provide for civil society including the private sector and a credible media.²⁷

These characteristics may be summarised in the following terms: responsibility, accountability, transparency, public participation and respect for the law. It is submitted that unless those entrusted with the governance of African states subscribe to and uphold these ideals, poverty production will continue. One need look no further than Zimbabwe where Robert Mugabe who has been in power since 1980 and is regarded as one of the world's worst ten

25 See Goldsmith A 'Risk, rule and reason: Leadership in Africa,' *Africa Notes*, Institute for Africa Development, Cornell University, May 2000, quoted in McMohan E, 'Assessing democratic development in Africa' A discussion paper prepared for the Development of State/NIC Conference, 'Africa: What is to be done?' 11 December 2000 in Washington D.C. 5.

26 See Francis T 'The causes and impact of poverty on sustainable development in Africa' A paper presented at the conference 'Poverty and sustainable development' Bordeaux, France 22-23 November 2001.

27 See 'Addressing Africa's governance challenges & prospects' Speech by president Paul Kagame at the formal opening of the ADB annual meeting in Ouagadougou, Burkina Faso, 17th May 2006 at http://www.newtimes.co.rw/index.php?option=com_content&task=view&id=5541&Itemid=69.

dictators²⁸ has, through gross human rights violations and poor economic policies, driven his country into abject poverty, making it one of the poorest nations on the African continent.

3.3 Regional and internal conflict, political strife and social disharmony

The relationship between conflict, political unrest, poverty and human rights is another hugely complex issue that is similar to the proverbial chicken and egg. While it is true that conflicts result in violations of human rights leading to poverty, it could also be argued that human rights violations are one of the main causes of conflict in Africa inevitably producing poverty. Conversely, it could also be said that poverty leads to strife and strife leads to human rights violations. Since independence, several regions and many states in Africa have experienced social and political unrest and/or open civil war in varying intensities. According to *Africa Action*, an organisation in the US working on Africa affairs, in the decade from 1990 to 2000, sub-Saharan Africa experienced more than twice the number of casualties from conflict than any other region in the world.²⁹ According to the 2005 Amnesty International Report, 'armed conflicts continued to bring widespread destruction to several parts of Africa in 2004 many of them fuelled by human rights violations'.³⁰

In the last two or three decades there have been armed conflicts in the following African countries: Algeria, Burundi, Congo, Democratic Republic of Congo, Cote d' Ivoire, Eritrea/Ethiopia, Liberia, Nigeria, Rwanda, Sierra Leone, Sudan, Uganda and Zimbabwe.³¹ A few examples of the most recent or on-going conflicts include:

- The recent conflict in the Democratic Republic of Congo involving seven nations;
- The civil war in Sierre Leone that started in 1991 and has to date resulted in the deaths of more than 50,000 people with over one million having been misplaced;³²
- The longstanding conflict between Eritrea and Ethiopia that tends to be sparked off by one reason or another, the last time around being May 1998 over what seemed to be a minor border dispute;
- The 1994 genocide in Rwanda which will go down in African history as one of the most brutal consequences of a conflict that many have simplistically explained in terms of ancient tribal hatred; and
- The ever-escalating conflict in Darfur, Western Sudan, that has led to thousands of deaths and the displacement of thousands more.

28 See Wallechinsky D 'The world's ten worst dictators' at http://archive.parade.com/2005/0213/0213_dictator.html.

29 See 'Conflict resolution' at <http://www.africaaction.org/resources/issues/conflictres.php>.

30 See Amnesty international report 2005,' at <http://www.amnesty.org.report2005/2af-index-eng>.

31 See 'Conflicts in Africa' at <http://www.globalissues.org/Geopolitics/Africa.asp>.

32 See 'Human rights watch: Sierra Leone – Getting away with murder, mutilation, rape: New testimony from Sierra Leone' at <http://www.hrw.org/reports/1999/sierra>.

It is important to note that where conflicts do exist, they affect not only the stability of the countries involved but also their neighbours, and entire regions.³³ This leads to widespread human rights violations, economic decay and poverty. In that regard, Greg Mills has had this to say:

‘... the impact of conflict has costs for all. It raises the costs of doing business. It worsens perceptions of the whole continent, raising premiums for entering the African market. It creates opportunities for regional actors to extend their influence, not always in a positive manner. It permits the criminalization of economic activity, with or without state involvement. It degrades or, in its worst form, destroys already weak state capacity.’³⁴

In short it produces poverty and it is not difficult to see how: Conflict leads to economic collapse as economic activities are abandoned, infrastructure is destroyed and social services are disrupted or neglected. Moreover, conflict leads to death, disability and poor health. These in turn lead to a drop in household incomes and an increase in poverty levels.

3.4 Ignorance, lack of education and illiteracy

The most serious problems of Africa are usually simplistically couched in these words: poverty, ignorance and disease. The problem of disease will be discussed later on. In so far as ignorance is concerned, a wide interpretation that is appropriate to this discussion will necessitate the inclusion of illiteracy and lack of education in the ambit of the problem.

According to a United Nations report, while worldwide illiteracy is diminishing illiteracy rates remain higher in Africa.³⁵ In 1995 for example, 19 countries worldwide had an illiteracy rate of at least 70 percent. Fourteen of those countries were in Africa.³⁶ According to UNESCO, ‘four out of ten Africans cannot read or write and there is no sign that the situation will change’.³⁷ What has all this to do with poverty and human rights, one might ask. The answer to that question has been expressed by one commentator in the following terms:

‘Think of an illiterate who will want to keep basic records of his daily commercial activities, think of an illiterate who would want to be trained to develop his skills in any business venture. Think of an illiterate who will want to use a computer; think of an illiterate in our so-called global village who is faced with the latter’s challenges ... This issue is not a voluntary act or wish of the people to remain illiterate. It is due to their inability to afford even basic education. It is just that education has never reached their threshold. This has been as a result of poverty and/or negligence by those who can afford to provide these basic needs of life.’³⁸

In a more general sense it ought to be remembered that education is not only necessary in preparing people for the market, but that it is also of utmost importance for democracy. Indeed education is also essential in the fight for, and the exercise of, human rights. In that regard, people require a

33 See ‘Conflict resolution’ (fn 28 above).

34 See Mills G (fn 23 above) 93.

35 See ‘Illiteracy still a problem in Asia and Africa’, World education news and reviews, at <http://www.wes.org/ewenr/02Sept/africa.htm>.

36 *Ibid.*

37 See ‘The long road to literacy in Africa’ at <http://portal.unesco.org/education/en/ev.php>.

38 See Francis T (fn 26 above).

certain minimum level of education in order to know their rights and how to reinforce them. One cannot enjoy or enforce rights that one is not aware of. This is particularly crucial with respect to the enjoyment and enforcement of socio-economic rights. These rights, as we know, have important social and economic dimensions as most of them reflect specific areas of basic needs or delivery of particular goods and services, all of which have an important bearing and implications on poverty.

It has been argued that 'education also needs to be offered in a critical perspective, that is, in a way that allows people to think and act *critically* and *creatively* in their milieu'.³⁹ In this regard it is submitted that the kind of education that most Africans have been exposed to was mainly designed to benefit the colonial masters who brought that education to the continent in the first place. As such it has mainly served to facilitate the exploitation of African resources for the Western markets thereby producing poverty in Africa. In that sense, it is not only those who have failed to provide basic education to the masses in Africa that are responsible for poverty production but also those who have provided the type of education that was designed to impoverish the African continent for the benefit of Western colonial powers.

3.5 Diseases (particularly HIV/AIDS)

As mentioned earlier, 'disease' is one of the most serious problems facing the African continent. Although there are many serious diseases afflicting the African people including malaria, tuberculosis, cholera, typhoid, yellow fever, meningitis – to mention but a few – the disease that has had the most devastating and far-reaching social and economic impact is HIV/AIDS. According to the *UNAIDS/WHO AIDS Epidemic Update of December 2005*, Sub-Saharan Africa has just over 10% of the world's population, but is home to more than 60% of all people living with HIV (25.8 million).⁴⁰ In 2005, an estimated 3.2 million people in the region became newly infected, while 2.4 million adults and children died of AIDS. Among young people aged 15-24 years, an estimated 4.6% of women and 1.7% of men were living with HIV in 2005.⁴¹ It is clear from these statistics that Sub-Saharan Africa is the most affected region worldwide as the continent is home to approximately two-thirds of all the people currently living with HIV/AIDS.

The impact of HIV/AIDS manifests itself not only in terms of the human toll and suffering, but also in terms of human rights and poverty production. Issues of human rights in general and the right to health care specifically have become paramount not only in trying to stem the spread of HIV/AIDS, but also in dealing with those who are infected or affected. Several human rights norms are quite relevant both in the fight against HIV/AIDS and also in the protection of the rights of people infected with the disease. In so far as the relationship between HIV/AIDS and poverty is concerned, it is important

39 See Helena P and Arzabe M 'Human rights: A new paradigm' in Van Genngten W & Perez-Bustillo C, *The poverty of rights: Human rights and the eradication of poverty* (2001) 34.

40 See 'UNAIDS/WHO AIDS Update 2005' at <http://www.unaids.org/Epi2005/doc/report.html>.

41 *Ibid.*

to realize that HIV/AIDS is an important component of a vicious circle that ultimately produces poverty. Firstly, the combination of poverty, natural disasters, violence, social chaos and the disempowerment of most rural women form a fertile environment for many social ills including the transmission of diseases such as HIV/AIDS.⁴² Secondly, poverty increases the risk of HIV infection through the impact of migratory labour, broken families and economic necessity.⁴³ Correspondingly and more importantly, illness increases the risks of households or individuals becoming impoverished as those infected become weaker and weaker and eventually die off while those affected spend most of their time caring for the sick other than being engaged in productive activities. Moreover, beyond the individual and household, HIV/AIDS lowers the general health in communities in which it is prevalent because of its close relationship with other communicable and poverty-related diseases such as tuberculosis.⁴⁴

The main impact of HIV/AIDS on poor people, particularly in Africa, has been articulated by one commentator in the following terms:

'Poor families have a reduced capacity to deal with the effects of morbidity and mortality than do richer ones for very obvious reasons. These include the absence of savings and other assets which can cushion the impact of illness and death. The poor are already on the margins of survival and thus are also unable to deal with the consequent health and other costs. These include the costs of drugs when available to treat opportunistic infections, transport costs to health centres, reduced household productivity through illness and diversion of labour to caring roles, losses of employment through illness and job discrimination, funeral and related costs, and so on. In the longer term such poor households never recover even their initial level of living as their capacity is reduced through the losses of productive family members through death and through migration, and through the sales of any productive assets they once possessed.'⁴⁵

From the foregoing discussion, it can be said that the relationship between HIV/AIDS and poverty production is two-dimensional. The first dimension revolves around 'the spatial and socio-economic distribution of HIV infection in African populations, and consideration of poverty-related factors which affect household and community coping capacities'⁴⁶; and the second revolves around 'the processes through which the experience of HIV and AIDS by households and communities leads to [the production] and intensification of poverty.'⁴⁷

On its own HIV/AIDS may merely be seen as one of the 'causes' of poverty in Africa. Coupled with the role of certain actors however, it ceases to be merely a cause of poverty but a factor in the production of poverty. The first category of these actors (or role-players) includes some African leaders and governments whose policies and approaches in dealing with the AIDS pandemic have been found wanting. A good example here can be found in the actions, utterances

42 See Budlender D 'Human development' in May J (ed) *Poverty and inequality in South Africa: Meeting the challenge* (2000) 114.

43 *Ibid.*

44 *Ibid.*

45 See Cohen D 'Poverty and HIV/AIDS in Sub-Saharan Africa' HIV and development programme, issue paper No.27 at <http://www.undp.org/hiv/publications/issues/english/issue27e.html>.

46 *Ibid.*

47 *Ibid.*

and pronouncements of the South African president and Minister of Health, which have led to widespread criticism and concern. Another example is 'the abdication, failure, greed and a depreciation of professional legal standards' on the part of some developed countries.⁴⁸ In that regard, the conflict six years ago, between South Africa and the USA over whether the South African Minister of Health was entitled to use legal means to make AIDS treatment accessible was considered by the USA to be an attack on treaty-based intellectual property rights of Western stakeholders.⁴⁹ Although the conflict was later resolved after the USA realised that they had erroneously misread the relevant treaty agreements, it goes to show that some developed countries, through claims to monopoly over AIDS drugs, display a lack of interest in stemming the spread of HIV/AIDS in Africa and the poverty it produces.

4 POVERTY PRODUCTION, POVERTY REDUCTION AND HUMAN RIGHTS

Any discussion on poverty production and human rights would be incomplete without reference to how they link to poverty reduction. In that regard, poverty reduction may be defined as a process through which the factors and forces responsible for poverty production are addressed. In the context of human rights, the view of the United Nations Committee on Economic, Social and Cultural Rights is that '[a]nti-poverty policies are more likely to be effective, sustainable, inclusive, equitable and meaningful to those living in poverty if they are based upon international human rights.'⁵⁰ In that regard it is important to note that all the instruments that constitute the International Bill of Rights⁵¹ contain provisions that have a direct bearing on poverty reduction. The Universal Declaration of Human Rights for example, provides for the right to property,⁵² the right to social security,⁵³ the right to work and to equal pay for equal work,⁵⁴ and the right to education.⁵⁵

It is not only the International Bill of Rights that contains provisions relevant to poverty reduction. Similar provisions can also be found in other United Nations treaties and conventions including the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (MWC) and the Convention on the Rights of the Child (CRC). In the regional context relevant provisions can also be found in the European Convention on Human Rights

48 See Nagan W (fn 18 above).

49 *Ibid.*

50 Poverty and the International Covenant on Economic, Social and Cultural Rights: Statement adopted on 4 May 2001 by the Committee on Economic, Social and Cultural Rights (E/C. 12/2001/10), para. 13.

51 The Universal Declaration of Human Rights (UDHR), The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights together constitute the International Bill of Rights.

52 Article 17.

53 Article 22.

54 Article 23.

55 Article 26.

and its sister instrument the European Social Charter, the American Convention on Human Rights and the African Charter on Human and Peoples Rights. Of particular interest here is the African Charter, as it differs considerably from its regional counterparts, particularly in regard to the catalogue of rights provided for. In addition to the rights contained in the European and American Conventions, the African Charter includes unique rights that have significance to poverty reduction. These include the right of peoples to freely dispose of their wealth and natural resources;⁵⁶ the right to economic, social and cultural development;⁵⁷ and the right to a satisfactory environment favourable to development.⁵⁸ Mention ought also to be made to the right to health as it is central in addressing a major poverty-producing factor (diseases) as will be seen further below.

All the rights in the above-mentioned instruments are of particular importance to poverty production and poverty reduction. It is mainly for that reason that these rights are incorporated in the guidelines for the integration of human rights into poverty reduction strategies, developed by the Office of the High Commissioner for Human Rights (OHCHR)⁵⁹. It is to those guidelines that we now briefly turn our attention.

The scope and length of this article do not lend themselves to a detailed discussion of all the guidelines for the integration of a human rights approach to poverty reduction strategies. Suffice to say that the guidelines are divided into three sections. Section 1 sets out the basic principles of a human rights approach that should inform the process of formulating a poverty reduction strategy. Section 2 sets out the human rights approach to determining the content of a poverty reduction strategy. It identifies, for each of the rights relevant to poverty reduction, the major elements of a strategy for realising that right. Section 3 explains how the human rights approach can guide the monitoring and accountability aspects of poverty reduction strategies.

It is important to note that the guidelines acknowledge that the essential idea underlying the adoption of a human rights approach to poverty reduction is that policies and institutions for poverty reduction should be based explicitly on the norms and values set out in the international law of human rights.⁶⁰ Furthermore, it is clear that the guidelines address big, complex multi-sectoral issues of far-reaching importance in the context of the relationship between poverty production, poverty reduction and human rights. Moreover, the guidelines also acknowledge that the principles of a rights-based approach to poverty reduction apply both at the national level and at the international level and that the rights relevant to poverty reduction are not limited to the socio-economic category but that they also include civil and political rights. In that regard the rights spelled out in the guidelines include

56 Article 21.

57 Article 22.

58 Article 25

59 See Human rights in development, draft guidelines: A human rights approach to poverty reduction strategies at <http://www.unhchr.ch/development/povertyfinal.html#chap2>.

60 See 'Draft guidelines: A human rights approach to poverty reduction strategies' at <http://www.unhchr.ch/development/povertyfinal.html>.

the right to adequate food, the rights to health, education, decent work and adequate housing. They also include the right to personal security, the right to 'appear in public without shame' and the right of equal access to justice. Political rights and freedoms are also included.⁶¹

It is submitted that in trying to understand and address the factors responsible for poverty production in Africa as discussed earlier, a human rights approach is required. This necessitates taking into account the guidelines for the integration of human rights into poverty reduction strategies.

5 CONCLUSION

The length and depth of this paper do not lend themselves to a detailed discussion of *all* the factors and actors responsible for poverty production in Africa. Suffice to say that other factors of no less significance include natural disasters, widespread unemployment, certain cultural practices, gender discrimination and economic exclusions resulting from historical practices. While all these factors may merely be seen as causes of poverty, one must point out that none of them should be seen in isolation. Without being triggered off, they indeed merely remain causes of poverty. But to the extent that there is some positive action on the part of some actors or forces responsible for the poverty, or alternatively there is some failure or omission on the part of such actors to act as they should to prevent or reduce poverty, these factors then act together to form a combination that results in a vicious circle that ends up in poverty production. One must also hasten to point out that poverty production is not an event but a process. As such, the factors discussed above and the actors mentioned in that regard are all involved in varying degrees in the process of producing poverty in Africa.

It may thus be concluded that any attempts to reduce poverty on the African continent ought to take into account the complex nature of the factors and actors involved in producing poverty. In other words the poverty problem must be addressed without ignoring the factors that generate and produce it. Moreover, in so doing, regard has to be had to the promotion and protection of human rights in all its aspects and the promotion of the participation of the poor in the decision-making process.

Finally, it ought to be remembered that much as it may be most prevalent in Africa, poverty is a global problem. It also ought to be remembered that its production in Africa is partly ensured by the structural composition of the global economic order. Africa needs to constructively engage the rest of the world in order to ensure that the mechanisms created by the structural composition of the global economic order do not continue to produce poverty on a perpetual basis. Such an engagement would hopefully lead to good economics and good politics in Africa. More importantly it would lead to the realisation that the protection of human rights is essential for the existence of

61 For a more detailed discussion on a human rights approach to poverty reduction, see Mubangizi J 'Know your rights: Exploring the connection between human rights and poverty reduction with specific reference to South Africa' (2005) 21 *South African Journal on Human Rights* 36-39.

good economics and good politics both of which are necessary in stemming the tide of poverty production in Africa.

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