

# POVERTY AND THE CONSTITUTION

Kevin J. Barr

## Introduction:

Poverty is a multi-dimensional problem with a variety of causes, solutions and implications for society. There is no one easy quick-fix solution. But it is important to note that poverty and inequality most often result from a complex system of power relationships built into the structures of society. It is a man-made problem which we ourselves can solve if we really want to.

Currently in Fiji there are at least about 35% of the population living below the poverty line and another 30% living not far above the poverty line. Thus roughly two thirds of our population either live in poverty or close to it. This should be a worrying figure for any nation. Only 3-4% of those living below the poverty line receive social welfare through the Family Assistance Scheme. Moreover 60% of our workers in full-time employment earn wages below the poverty line. 15-20% of our people live in squatter or informal settlements.

Poverty is measured in terms of people's inability to meet their basic needs in terms of food, housing, medical care and education. Some people are confused about the difference between poverty and destitution. Because they do not see on our streets the destitution found in India, Asia and South America, they think we do not have poverty in Fiji. But we do.

The 1997 *Fiji Poverty Report* began with the words: "Fiji is a society with deep inequalities". Some have said we have two Fijis – the rather small Fiji of the rich and the very large Fiji of the poor. This gives rise to the questions: "Is poverty the problem or is it wealth?" "How are the benefits of economic growth and development distributed in our nation?"

Poverty and inequality are a denial of human rights and social justice. They have serious social and economic repercussions for the life of a nation in terms of health care, ability to work productively, crime, courts, prisons and general security (cf *The Spirit Level*). If not properly addressed, poverty can be an economic burden on a nation. Consequently money spent on poverty alleviation is not unproductive (as some may think) but makes perfect economic sense.

## The Constitution, Poverty and Human Rights

International human rights conventions provide a legal framework for poverty reduction strategies because they apply to all people regardless of social class,

ethnicity, colour, sex or religion. They provide the legal basis to support the struggle of the poor for human dignity and justice. They translate basic human “needs” into enforceable human “rights”. They take poverty issues out of a welfare perspective and see them as legal demands based on universal principles.

[In using the words “in accordance with the resources of each State” (no. 22 of the Universal Declaration) allowance is made for the relativity of world conditions and the limited resources of particular countries is recognised. However it is understood that the situation in a particular country must progress towards the greater realisation of rights and not be allowed to deteriorate.]

Our 1997 Constitution (chapter 4) contained a bill of rights which spelt out the rights of citizens in Fiji. These are based on the United Nations Declaration of Human Rights and include such things as the right to life, the right to housing, the right to education, the right to employment and just wages, the right to security, the right to freedom of expression and freedom of association etc.

However the Bill of Rights in the Constitution **talked** about our rights to the things which should keep us out of poverty **but** does not say how these rights can be delivered in reality. Our basic rights may be guaranteed by the Constitution but the Constitution does not explain how these rights are actionable and become everyday realities. Nor does it spell out the systems (economic and political) which will guarantee that they are delivered to all the people so that everyone receives justice.

Consequently, while human rights can be enshrined in a constitution, we need to keep in mind four things:

- (a) Human rights must be made *actionable* through appropriate legislation;
- (b) People must be *made aware* of those rights and how they can claim them;
- (c) People must be *empowered* to mobilise themselves & demands those rights;
- (d) Often *structural changes* need to be made in society if people’s rights are to become effective but those who profit from the *status quo* will often oppose those structural changes.

### **Hopes for the new Constitution**

Years ago Ian Robertson (1977:254) expressed in very clear terms why there is so much opposition to reducing inequality in Fiji and other places in the world:

“Poverty exists because our society is an unequal one, and there are overwhelming political pressures to keep it that way. Any attempts to redistribute wealth and income will inevitably be

opposed by powerful middle and upper class interests. People can be relatively rich only if others are relatively poor, and since power is concentrated in the hands of the rich, public policies will continue to reflect their interests rather than those of the poor.”

So, is poverty the problem or is it wealth and the way society is structured in the interests of those with wealth?

- (a) With this in mind the Constitution needs to spell out the rights of all the people to their basic needs as discussed above but also suggest how, in practice the right to housing, employment, just wages, decent food education and proper health care can be achieved.
- (b) The Constitution also needs to spell out an economic/political system which is people-centred and works for the common good – not for the benefit only of a few. It needs to be a system which demands not absolute equality but a better distribution of the benefits of economic growth and development. Mahbub ul Hag (1998) famously observed: “We cannot leave intact the model of development that produces persistent poverty and wistfully hope that we can take care of poverty downstream through limited income transfers or discrete poverty reduction programs. ... A few technocratic programs downstream are not the real answer. The real answer lies in changing the very model of development, from traditional economic growth to human development, where people become the real agents and beneficiaries of economic growth.” [Note that ul Hag stresses that a few poverty alleviation programs are not the answer. We must make a radical change in the economic system which is the root cause of the growing poverty and inequality in our world today.]
- (c) Moreover the Constitution needs to spell out principles whereby, at the time of elections, political parties must publicly account for contributions they receive from the private sector or individuals. This should help to arrest the lobbies associated with crony capitalism whereby an unhealthy collusion is established between business interests and politicians and the interests of a few come to dominate a country’s policies. This may demand that we “stand in the way of corporate, global juggernauts” (David Cameron) and oppose the small minority of the super-rich who currently dominate political and economic decisions (Wilkinson/ Pickett). As Smiley and West (2012:114) state in a recent book: “Many regard lobbying as it is practised today as little more than legalised bribery built on normalised corruption”. We certainly have this problem in Fiji.

(d) The Constitution should also demand that government pays special attention to the poor and marginalised in society and ensures that everyone can meet their basic needs and poverty and gross inequality are eliminated. To this end assistance should be provided through a well-financed welfare system. As John Rawls (1972) wrote years ago: “The ultimate test of any nation is how it treats its poorest, most vulnerable and disadvantaged people”.

**Conclusion:**

In brief the Constitution should ensure that social justice and the common good should reign supreme in Fiji for all our people and not allow corporate greed to dominate our economy and politics and keep our people in poverty.

Let me conclude with the words of Nelson Mandela:

“Like slavery and apartheid, poverty is not inevitable. It is man-made and can be overcome and eradicated by the actions of human beings. Overcoming poverty is not a gesture of charity. It is a matter of justice. It is the protection of a fundamental human right – the right to dignity and a decent life.”

Our constitution provides one important way whereby steps can be taken to eradicate poverty in our land and provide guidelines for true people-centred development through principles of social justice and the common good. We have so much poverty and inequality in Fiji our Constitution must address it directly and seriously.

.....

We want Fiji to be a **just society**. One expression of how a just society should look is expressed in the following statement:

- A just society is people-centred – the rights and dignity of all are respected and protected;
- A just society is inclusive. It educates and protects its children, recognizes the role of women, the importance of youth, and the multi-cultural and multi-religious nature of the nation. It also appreciates and encourages the contribution of the aged and those with disabilities;
- A just society recognizes that the resources of the earth are meant for all and, while it respects that everyone has the right to private property, it distributes its wealth in such a way that everyone can meet their basic needs and poverty and gross inequality are eliminated;
- Consequently a just society promotes an economy that works for the benefit of all - not just the few - and so allows everyone to realize their full potential in society;
- A just society is motivated by communitarian values of sharing, compassion and concern for all and is built on the appreciation that all its members are brothers and sisters in the one family of God;
- A just society respects and protects its environment for the good of all so that its beauty is preserved and its resources used sustainably - now and for future generations;
- Thus racism, sexism, discrimination, exploitation, greed and selfishness are replaced with love, service, respect, understanding and concern for the common good.