Human Rights and Human Responsibilities

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What is (Social) Justice?

Justice is a moral property of institutional arrangements: of the rules, practices, procedures and conventions that regulate interactions within a social system.

Diverse conceptions of social justice are proposed for both national and supranational institutional arrangements.
A minimal condition for the justice of any institutional order is that it not foreseeably produce massive and foreseeable avoidable human-rights deficits.
Human Rights as Moral Claims on Institutional Arrangements

“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, Universal Declaration of Human Rights, 1948
The Recognized HR-Correlative Duties (of States)

With special priority on states’ duties to their own citizens:

1. (negative) duties to respect HRs
2. (positive) duties to protect HRs
3. (positive) duties to fulfill HRs
The Recognized HR-Correlative Duties (of States)

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   b) to facilitate (OHCHR 1995, right to food)
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   b) to facilitate (OHCHR 1995, right to food); often with the phrase “progressive realization”
HR-Correlative Duties (of States)

With special priority on states’ duties to their own citizens:

1. (negative) duties to respect HRs
   a) interactionally

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   a) to provide
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**HR-Correlative Duties of States**

**Without** special priority on states’ duties to their own citizens:

1. (negative) duties to respect HRs
   
a) interactionally
   b) institutionally, at national and supranational levels

**With** special priority on states’ duties to their own citizens:

2. (positive) duties to protect HR

3. (positive) duties to fulfill
   
a) to provide
   b) to facilitate
First Step

#1. Under the present rules of the world economy, the human rights of most people foreseeably remain unfulfilled.

#2. It is foreseeable that most of this human rights deficit would be reasonably avoidable with an alternative design of these rules.

#3. The present rules of the world economy foreseeably produce massive human rights deficits and are therefore gravely unjust.
Among 7.25 billion human beings, about

805 million are chronically undernourished (SOFI Report 2014, pp. 8,11,40),

> 2000 million lack access to essential medicines
   (Nyanwura & Esena, “Essential Medicines Availability And Affordability”),

748 million lack safe drinking water (MDG Report 2014, p. 40),

> 1000 million lack adequate shelter (OHCHR, The Right to Adequate Housing 2014),

> 1200 million lack electricity (World Bank, http://go.worldbank.org/6ITD8WA1A0),

1800 million lack adequate sanitation (MDG Report 2014, p. 45),

781 million adults are illiterate
   (www.uis.unesco.org/literacy/Pages/literacy-data-release-2014.aspx),

168 million children (aged 5 to 17) do wage work outside their household —
often under slavery-like and hazardous conditions: as soldiers, prostitutes or
domestic servants, or in agriculture, construction, textile or carpet production
At Least a Third of Human Deaths

— some 18 (out of 57) million per year or 50,000 daily — are due to poverty-related causes, in thousands:

- diarrhea (2163) and malnutrition (487),
- perinatal (3180) and maternal conditions (527),
- childhood diseases (847 — half measles),
- tuberculosis (1464), meningitis (340), hepatitis (159),
- malaria (889) and other tropical diseases (152),
- respiratory infections (4259 — mainly pneumonia),
- HIV/AIDS (2040), sexually transmitted diseases (128).

Millions of Deaths

- Worldwide Poverty Deaths 1990-2014: 432 million
- World War Two 1939-45: 60 million
- Mao's Great Leap Forward 1959-62: 30 million
- Stalin's Repression 1924-53: 20 million
- World War One 1914-18: 17 million
- Russian Civil War 1917-22: 9 million
- Congo Free State 1886-1908: 7.5 million
- Korea and Vietnam 1951-54, 1965-74: 5.5 million
The Human Right Least Realized

“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....”

Article 25(1), *Universal Declaration of Human Rights*, 1948
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Counter-Argument 1: Progress?

The percentages of severely deprived are going down

Even the absolute numbers are said to go down

YET, global income polarization: much more would have been achieved if the poor had merely participated proportionally in global economic growth.

In any case, what matters morally is the comparison with what would now be possible:

How much of today’s severe poverty is reasonably avoidable through better supranational institutional design?
Always, a majority of humankind has lived in severe poverty. New is the easy avoidability of poverty: the grotesque mismatch between the human and the economic extent of the world poverty problem. Fully one third of all human deaths and more than one third of all health deficits are poverty-related. Yet, what the poorer half of humanity need to avoid severe poverty is merely an extra two percent of global household income.

Avoidable poverty has never been greater.
Counter-Argument 2: Divergence

Poverty is evolving very differently in the various developing countries and regions.

This shows that local (e.g., municipal, provincial, national) factors — history, culture, geography, social institutions — account for the persistence of severe poverty where it persist.
Conceptual Answer to Counter-Argument 2

It merely shows that local factors are co-responsible for the persistence of severe poverty. It does not show that local factors are solely responsible.

Example: Differential learning success of students/pupils in the same class.
Supranational Institutional Architecture

National Conditions in the Various Less Developed Countries

Poor and Vulnerable Citizens in the Less Developed Countries
Supranational Institutional Architecture

Poor and Vulnerable Citizens in the Less Developed Countries

Protectionism
Supranational Institutional Architecture

Poor and Vulnerable Citizens in the Less Developed Countries

Pharmaceuticals Protectionism
Supranational Institutional Architecture

Pollution Rules
Pharmaceuticals
Protectionism

Poor and Vulnerable Citizens in the Less Developed Countries
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Poor and Vulnerable Citizens in the Less Developed Countries

Illicit Financial Flows

Pollution Rules
Pharmaceuticals
Protectionism

National Conditions in the Various Less Developed Countries
Supranational Institutional Architecture

National Conditions in the Various Less Developed Countries

Poor and Vulnerable Citizens in the Less Developed Countries

Illicit Financial Flows

Pollution Rules
Pharmaceuticals
Protectionism

Corruption
Civil War
Supranational Institutional Architecture

Pollution Rules
Pharmaceuticals
Protectionism

Illicit Financial Flows

Repression
Corruption
Civil War

Four Privileges

National Conditions in the Various Less Developed Countries

Poor and Vulnerable Citizens in the Less Developed Countries
Supranational Institutional Architecture

- Poor and Vulnerable Citizens in the Less Developed Countries
- National Conditions in the Various Less Developed Countries
- Four Privileges
  - Arms Trade
- Illicit Financial Flows
- Repression
  - Corruption
  - Civil War
- Pollution Rules
- Pharmaceuticals
- Protectionism

The diagram illustrates the relationship between supranational institutional architecture and the national conditions in various less developed countries, highlighting the factors affecting poor and vulnerable citizens.
Supranational Institutional Architecture

Poor and Vulnerable Citizens in the Less Developed Countries

Pollution Rules
Pharmaceuticals
Protectionism

Exploitation
Repression
Corruption
Civil War

Illicit Financial Flows
Labor Standards

Four Privileges
Arms Trade

National Conditions in the Various Less Developed Countries
<table>
<thead>
<tr>
<th>Segments</th>
<th>1988</th>
<th>2008</th>
<th>Change in %</th>
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</thead>
<tbody>
<tr>
<td>Poorest Tenth</td>
<td>0.337</td>
<td>0.251</td>
<td>-25.3%</td>
</tr>
<tr>
<td>Second Tenth</td>
<td>0.514</td>
<td>0.414</td>
<td>-19.5%</td>
</tr>
<tr>
<td>Third Tenth</td>
<td>0.668</td>
<td>0.587</td>
<td>-12.0%</td>
</tr>
<tr>
<td>Fourth Tenth</td>
<td>0.850</td>
<td>0.840</td>
<td>-1.2%</td>
</tr>
<tr>
<td>Fifth Tenth</td>
<td>1.154</td>
<td>1.244</td>
<td>+7.7%</td>
</tr>
<tr>
<td>Sixth Tenth</td>
<td>1.689</td>
<td>1.993</td>
<td>+18.0%</td>
</tr>
<tr>
<td>Seventh Tenth</td>
<td>2.902</td>
<td>3.442</td>
<td>+18.6%</td>
</tr>
<tr>
<td>Eighth Tenth</td>
<td>6.056</td>
<td>6.340</td>
<td>+4.7%</td>
</tr>
<tr>
<td>80-95&lt;sup&gt;th&lt;/sup&gt; Percentile</td>
<td>42.958</td>
<td>39.137</td>
<td>-8.9%</td>
</tr>
<tr>
<td>Richest 5 Percent</td>
<td>42.872</td>
<td>45.751</td>
<td>+6.7%</td>
</tr>
</tbody>
</table>
Global Household Income Distribution 2008

Top 5% vs. Next 15%

Fourth, Middle, Second Quintile
Global Private Wealth Distribution 2013

Top 0.68%:
- >$1m: 41%

Next 7.74%:
- >$100k, <$1m: 42.3%

Last 68.73%:
- <$10k: 3%

Next 22.85%:
- >$10k, <$100k: 13.7%
In just 20 years, the richest five percent of human beings have gained about as much (3%) as the poorer half had left at the end of this period.

The ratio of average incomes of the richest five percent and the poorest fifth rose from 202:1 to 275:1 in this 1988-2008 period.

Had the poorest 30% held steady, its 2008 share of global household income would have been 21% higher (1.52% instead of 1.25%).

Had it been allowed to gain the 2.9% of global household income that was in fact gained by the richest five percent, the poorer half would have nearly doubled its share — sufficient to end severe poverty.
Alternative Global Income Distribution

top 5%

next 15%

fourth  middle  second quintile
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Regulatory Capture makes competitive systems vulnerable to inequality spirals:

The strongest participants have the greatest opportunities and incentives to achieve the expertise and coordination needed for effective lobbying.

They use these opportunities to expand their relative position; then use their increased influence to shift the rules or their application even more in their own favor.
Supranational Rule Making

The rapidity of the upward shift in powers is explained in part by the fact that economic elites can exert more influence on political decisions when these are made at supranational levels. In that bargaining environment

there is **no democratic counterweight** or revolutionary danger zone,

there is **little transparency** even *ex post*,

and **moral restraints are easily dispelled** by pointing out that international relations are a jungle in which moral self-restraints risk long-term survival.
The Most Cost-Effective Lobbying seeks to shape the design of supranational/global institutional arrangements (WTO, G20, EU…) while also aiming to shift governance upward from the national to the supranational/global level; is done by the very wealthiest banks, hedge funds, corporations, industry associations and individuals by way of influencing government officials of major powers, esp. the US (softest target).
The investment research firm Strategas selects each quarter the fifty S&P 500 companies that spend most on lobbying as a percentage of their assets. The Strategas Lobbying Index based on this exercise has outperformed the S&P 500 by whopping 11 percent a year over the 2002-2011 period.

*The Economist*, October 1, 2011
www.economist.com/node/21531014
Beat you in the lobby
Share prices, January 1st 2001=100

Sources: Strategas Research Partners; Thomson Reuters; *50 most intensive lobbyists in the S&P 500; The Economist
Measuring Rates of Return for Lobbying Expenditures: An Empirical Analysis Under the American Jobs Creation Act

ABSTRACT

Raquel Alexander*, Susan Scholz, Stephen Mazza

The lobbying industry has experienced exponential growth within the past decade. ... In this paper we use audited corporate tax disclosures relating to a tax holiday on repatriated earnings created by the American Jobs Creation Act of 2004 to examine the return on lobbying. We find firms lobbying for this provision have a return in excess of $220 for every $1 spent on lobbying (cf. Larry Lessing: Republic Lost).
Rising Inequality in the US (1978–2007)

The income share of the poorest half of the population dropped \textit{by more than half} from 26.4\% to 12.8\%. That of the top 1 percent rose \textit{2.6-fold} from 8.95\% to 23.50\%; that of the top 1/10 percent rose \textit{4.6-fold} from 2.65\% to 12.28\%; that of the top 1/100 percent rose \textit{7-fold} from 0.86\% to 6.04\% (Saez Table A3).

The top hundredth percent (14,400 tax returns, ca. 30,000 people) have nearly half as much income as the bottom half (ca. 150 million) of Americans — and more income than the bottom 40\% (2.8 billion) of humanity.

## Evolution of US National Household Income Distribution (Top 10%)

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<tr>
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<tbody>
<tr>
<td>Richest 0.01 Percent</td>
<td>5.02</td>
<td>0.86</td>
<td>6.04</td>
<td>+5.18</td>
<td>+602%</td>
</tr>
<tr>
<td>Next 0.09 Percent</td>
<td>6.52</td>
<td>1.79</td>
<td>6.24</td>
<td>+4.45</td>
<td>+249%</td>
</tr>
<tr>
<td>Next 0.9 Percent</td>
<td>12.40</td>
<td>6.30</td>
<td>11.23</td>
<td>+4.93</td>
<td>+78%</td>
</tr>
<tr>
<td>Next 4 Percent</td>
<td>14.62</td>
<td>13.09</td>
<td>15.17</td>
<td>+2.08</td>
<td>+16%</td>
</tr>
<tr>
<td>Next 5 Percent</td>
<td>10.73</td>
<td>11.45</td>
<td>11.07</td>
<td>-0.38</td>
<td>-3%</td>
</tr>
</tbody>
</table>
Since World War II, governments have created well-publicized and highly visible bodies of national and international law that recognize, codify and celebrate human rights. Governments often appeal to these documents to raise the image of themselves and their friends or to tarnish the image of their rivals.

Over the last 25 years, governments have created a vast and effective system of (mainly) supranational legal rules and regimes that — barely understood and uncontrollable by the public — are formulated and administered without concern for human rights and in fact massively violate human rights.
#3. The present rules of the world economy foreseeably produce massive human rights deficits and are therefore gravely unjust.

#4. Agents who actively contribute to the design or imposition of foreseeably human-rights-noncompliant rules are thereby violating human rights unless they also make sufficient reform or protection efforts.

#5. The governments of the more powerful states, which, collectively, design and impose the present rules of the world economy, are thereby massively violating human rights.
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#6. Citizens who are supporting or tolerating unjust policies of their government without making adequate reform or compensation efforts thereby become co-responsible for these unjust policies.

#7. Most citizens of the more powerful states are supporting or tolerating their governments’ negotiating posture in regard to the rules of the world economy without making adequate reform or compensation efforts.

#8. Most citizens of the more powerful states share responsibility for the fact that the present global economic order is massively violating human rights.
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#8. Most citizens of the more powerful states share responsibility for the fact that the present global economic order is massively violating human rights.
(1) To work toward (esp.) supranational institutional arrangements that would impose less harm upon the poorer half of humanity, would blow less of a headwind against their social and economic development;

(2) At least to compensate for our fair share of the harm that we together produce through our governments: by shielding the global poor from some of the harms that would otherwise be inflicted on them.