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HUMAN RIGHTS AS A TOOL FOR SUSTAINABLE DEVELOPMENT

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Abstract

In poor as much as in rich countries there is a fear that environmentally sustainable development might be contradictory to development in general and equitable development in particular. There could be indeed a contradiction between environmental and social sustainability, too much care for the environment eventually leading to forgetting about the people. The purpose of this paper is to explore institutional principles and tools that allow the conciliation between environmental and social sustainability. In this respect we will present human rights based political economy as an institutional tool of this sort. We will show how a human-rights based political economy could at the same time respect ecological sustainability and social equity. One of the reasons for that consists in the fact that within a human-rights based political economy, welfare is not the result of economic growth, as within traditional political economy, but of justice. The main objectives of development will be attained, therefore, not through growth but through redistribution of resources or of access to resources.

In this paper more specific aspects will be presented by examining the human right to work and the human right to water. Regarding the human right to work the main aspect which will be stressed is that within a human rights frame full employment becomes disconnected from both growth and labour market deregulation. It will be shown that traditional policies not only do not solve unemployment but are also not environmentally and socially sustainable. The only policy that is not contradictory with either human rights and de-growth is work sharing by decreasing the length of the work day. When properly enforced this policy has, indeed, historically shown to be the only one that has created jobs. Regarding the right to water, the point is that democratic and human rights oriented exploitation and distribution policies of water are both more sustainable and more equitable than those that intend to transform water into a private good as any other and, thus, promote commodification and privatisation of resources. This way of controlling water exploitation and distribution not only may relieve pressure from the resource but also alleviate deprivation of poorer families, conciliating, therefore, environmental and social sustainability.

INTRODUCTION

Sustainable development is frequently mistaken with sustainable growth in the same way as development is often reduced to economic growth. Although we share many of the doubts concerning the physical possibility of sustainable growth we also believe that the majority of the world's population has the right to enjoy a dignified life as much as the lucky minority living in western developed countries. Actually this aspiration may not constitute such an insoluble dilemma as it could look like at first sight. Indeed, in reality development may not require that much growth as it is commonly considered. In many parts of the world there is no doubt that material comfort must be increased in order for people to enjoy a decent life, and that poses a problem in terms of a sustainable use of natural resources but that is not true everywhere. As a matter of fact, in the so-called developed countries where the level of physical consumption is clearly unsustainable, development in general, and sustainable development in particular, may even consider the possibility of de-growth.

Nevertheless there is a risk of this scenario of environmental sustainability being accomplished on the back of the weakest layers of society. Indeed, within a scenario of de-growth many may conclude that development in general, and equitable development in particular, may become outdated concepts and aspirations. This would immediately put the de-growth philosophy amidst the reactionary ideas and would favour world wide resistance to de-growth. In this sense there could be a contradiction between environmental and social sustainability, too much care for the environment eventually leading to forgetting about the people.

The purpose of this paper is first to identify institutional principles and tools that allow the conciliation between a de-growth scenario and equitable development in what concerns the employment issue and second to explore these same tools for a sustainable use of a natural resource such as water. In this respect we will present a human-rights based political economy as an institutional tool of this sort. In other words we will discuss the ways in which a human-rights based political economy can at the same time respect ecological sustainability and social equity. The key issue in this respect concerns the fact that within a human-rights based political economy, welfare is not the result of economic growth, as it ensues from some traditional political economy,

but of economic justice. The main objectives of development will be attained, therefore, not through economic growth but through what one could define as a fairer redistribution of the resources.

Regarding the issue of job creation within a society where full employment has been impossible to achieve for over thirty years it would seem that de-growth can only accentuate this tendency. This inevitability is acceptable only if one sticks to the mainstream economics frame, though. In providing work to everybody fit and willing, certainly the most emblematic of all economic, social and cultural rights, the conflict between mainstream economics and human rights languages reaches its paroxysm, indeed. Not only mainstream economics does not seem too worried about creating jobs for all, as according to its logic one should try to use the resources involved in production as parsimoniously as one can, but also not all jobs qualify to right-to-work specifications; in other words some jobs do not confer that dignity to people's lives which is demanded by human rights proclamations.

Regarding the issue of water use one must be especially concerned with two phenomena. On the one hand many poor countries live in water scarcity environments and increasing water consumption in order to meet human needs may collide with the sustainable use of this resource. On the other hand commodification of water pushes decision makers to use traditional economic instruments such as pricing in order to make consumers pay the real price of water. This mainstream method of efficiently managing the resource may collide with securing human rights. Indeed, if one lowers the price in order for water to be accessible to everyone, unsustainable use may result; if, on the contrary, one raises the price of water to limit the level of its extraction, a substantial part of the population, especially its poorer layers, may become excluded from consumption, putting at risk the most important of its rights, the right to live.

A HUMAN-RIGHTS BASED POLITICAL ECONOMY

According to the United Nations Organization (UN), a human-rights based approach to development is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. In its essence, a rights-based approach integrates the norms, standards and principles of the international

human rights system into the plans, policies and processes of development. In other words, in a human rights-based approach to development, human rights are simultaneously the means and the goals of development. Regarding the employment and water issues the main standards of international human rights concerned are respectively the right to work and the right to water.

The Right to Work

Although there are several references to the right to work since the French Revolution (see Harvey, 2002; Tanghe, 1989), as the US employment act of 1946, for example, which established full employment has being a right guaranteed to the American people and mandated the federal government to do everything in its authority to achieve it, it was not until 1948, in the surge of the discussion about universal human rights by the recently created UN, that the right to work got explicit general recognition as a human right. In article 23 of the Universal Declaration of Human Rights (UDHR) it is proclaimed that:

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(...)

3. Everyone who works has the right to just and favourable remuneration ensuring himself and his family an existence worthy of human dignity, and supplemented if necessary by other means of social protection.

This proclamation clearly states not only that people have the right to a job but also to a decent job, and therefore that ensuring the right to work and favouring any kind of job are not synonymous. Furthermore, people have the right to protection against unemployment, which should be understood as a set of mechanisms protecting an individual from becoming unemployed and not only from the consequences of being unemployed. In other words, not only should he or she have the right to a monetary compensation for being out of a job, for example, but also that he or she is entitled to some kind of job security.

As seen in the first section, and despite the legal weight that it has assumed over the years, the Universal Declaration on Human Rights did not impose binding obligations on the governments of the signatory states. In order to allow individual countries to assume such obligations concerning the right to work, international community designed the International Covenant on Economic, Social and Cultural Rights (ICESCR), which came into force in 1976, ten years after having been approved by the General Assembly of the United Nations.

Concerning the right to work, the ICESCR proclaims the following:

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The State Parties to the present Covenant recognize the right to everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(...)

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant.

There are two main dimensions to the right to work in both the UDHR and the ICESCR. The first is quantitative and sustains that the right to work means the existence of sufficient jobs for everyone, not only the right to compete on terms of equality for scarce employment opportunities (Harvey, 2005, p. 9; Canotilho, 1984, p. 35). It is not

incidentally that The United Nations Charter, drafted in 1945, proclaims in article 55 that the United Nations shall promote 'Higher standards of living, full employment and conditions of economic and social progress and development'. The second dimension of the right to work is qualitative and regards those criteria that determine whether a particular job qualifies as decent work. These criteria sum up what could also be called the rights of an individual at work, and concern wages, working hours, working conditions, the right to join and form unions to protect one's interests, and so on. Different policies are usually demanded to secure each of these dimensions, and although trade-offs between them could be expected, the right demands both dimensions to be secured. That is why some public action aiming to just create jobs may not qualify as right-to-work securing policy if, for instance, it despises the rights at work.

The Right to Water

The UDHR states in its Article 3 the unalienable right to life; a life which other articles take to be more than just plain survival, demanding furthermore that it should meet the minimum standards of human dignity and that it should be enjoyed with freedom and safety. Indeed, this right to life demands certain access to both the natural resources and the manufactured goods that are considered to be indispensable to life according to the requirements described above. Natural resources that fall into this category could, then, be considered as some sort of common capital for existence (see Petrella 2004), which implies a specific approach to both its exploitation and its distribution. In this sense, water, in almost all of its forms and all of its uses, should probably be the first of these resources to be listed among common capital items. The European Declaration for a New Water Culture signed in Madrid in February 2005, in its turn, proclaims that water should be classified according to four main categories, the first three, *water-for-life*, *water-for-citizenship* and *water-for-business* (Arrojo 2006: 104-105), being of interest here. Indeed, an adequate amount of safe water is necessary to prevent death by dehydration, to reduce the risk of diseases related to water and to attend to many other sorts of indispensable needs like farming or manufacturing, cooking or personal and domestic hygiene, to which one should also add a wide range of cultural needs such as the performance of religious rites or the plain enjoyment of

leisure. The first two categories in the classification proposed by the European Declaration for a new Water Culture could, then, be included in the broader category of water as a human right and the last in water as an economic good.

As a matter of fact, several claims have been issued in the last decade sustaining that water ought to be considered as a human right. On April 2, 1998, for example, a group of international personalities, such as the former presidents of Portugal and Argentina, Mário Soares and Raúl Alfonsín respectively, issued a manifesto in which water was declared a common good belonging to all inhabitants on earth and an unalienable individual and collective right. In response to that and to other pleas, and in continuation of the International Covenant on Economic, Social and Cultural Rights (ICESCR), the United Nations Committee on Economic, Social and Cultural Rights proclaimed in November 2002 the Right to Water as a substantive implication of the implementation of the ICESCR, resulting from an extensive interpretation of its Articles 11 and 12. For the record, the first of these two articles recognizes the right of everyone to an adequate standard of living, and the second the right of everyone to the highest attainable standard of physical and mental health.

In the introduction of the text in which this substantive implication is commented upon it is said that water is a limited natural resource and a public good fundamental for life and health, that this human right to water is indispensable for leading a life in human dignity and that it is a prerequisite for the realization of other human rights (UN 2002: 1). In order to reinforce the justification for classifying water as a human right one should also put forward article 15 of the ICESCR that recognizes the right of everyone to take part in cultural life. Indeed, as we have seen above, many religious rites demand the use of water. According to this committee the human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use.

The right to water, therefore, as the right to work, has both a quantitative and a qualitative dimension. From the quantitative point of view it is stated that everyone should be provided with an amount of water sufficient to meet human needs according to World Health Organization (WHO) parameters. This quantity is not easy to determine because it can vary according to cultural idiosyncrasies and geographical location, but it is assumed that a person needs a minimum of 20 liters per day (UNDP 2006: 8). This amount seems derisive when citizens in western developed countries spend more than that in just flushing their toilets, but even this meager quantity is not

accessible to many on the planet. From the qualitative point of view, it is in turn stressed that the amount of water provided should be safe, in other words its consumption should not put human health at risk. As commonly occurs in human rights' proclamations, it is also added that no discrimination based on gender, religion, or social condition, among others, should be tolerated as regards access to this same water.

If water *strictu sensu* can be classified as a public or a common pool good, and tap water as a private good, the entire process of providing safe water to people displays, therefore, a dual character. On the other hand, water being also a human right, one is forced to admit the preponderance of its public character. Indeed, if water constitutes a human right because it is essential to life and a prerequisite for the enjoyment of other human rights, the excludable character of private goods means, therefore, that it is possible for an individual to be deprived of a human right on the basis of purchasing power. This immediately transforms the inability to get access to water into a human rights violation and consequently into a major political issue.

The fact that the UN declaration on the right to water states that people should have the means to access water (UN 2002: 6) signifies that it is acceptable for water to have a price and therefore to be submitted to economic principles. However, one should not infer that the market should automatically be qualified to promote the human right to water. Indeed, there are reasons to believe that the market alone is not theoretically equipped to meet this challenge without abdicating an important set of constitutive principles (see Branco and Henriques, 2009).

GROWTH, REDISTRIBUTION AND EMPLOYMENT

In traditional economic theory, economic growth is supposed to expand the demand for work, however not only are there serious doubts about the sustainability of growth in the long run (see for example Daly, 1997; Goodland, 1997), but also the ability of this same growth to increase the amount of work needed, in other words to create new jobs, has not been unequivocally demonstrated. The fact that in France, between 1970 and 1992, there was a 70% increase in total output and only 6% in employment (European Commission, 1994, p. 149) is a good example of the inexistence of a tight relationship between growth and jobs. This absence of relation is not so obvious in the United States for example, but it is undeniable that, since the 1970s,

unemployment has been climbing side by side with economic growth in major industrialised countries (see Nickel, 2005). Now, if economic growth is not the panacea for solving unemployment, what reasons are there for the unemployed to fear de-growth?

The main reason for fearing de-growth is the expected preservation of the status quo. Indeed, if the current distribution of resources, including jobs, was to be preserved, the weak layers of society would have much to fear of de-growth. But, continuous growth being unsustainable, the key issue is no longer so much de-growth as redistribution. In what regards employment, distribution policies should concern first of all work-sharing, which means reshaping the work load. Under the designation of reshaping the work load two substantially different sets of measures are usually taken into consideration.

The first concerns reducing labour supply, in other words the permanent or temporary early retirement of workers from the labour market, and the second refers to work sharing, or better said, to work-time redistribution. None of these policies intend to create more jobs in the sense that they would increase the total amount of work demanded by the economy. They operate the other way around. Reducing the labour supply is one very obvious way of filling the job gap, that is to say the difference between the number of jobs available and the number of jobs needed to employ everybody willing and able to work, even if it does not mean more jobs available but just fewer people willing to work. Indeed, it is quite simple to understand that if labour supply is reduced all things equal unemployment will decrease. Sharing the work time, in turn, is supposed to create more jobs because the currently amount of work demanded would end up being shared by more people.

At first sight distributing subsidies to convince people to withdraw from the job market either temporarily or definitively does not seem to undermine the right to work ideal, and, furthermore, appears to have many positive aspects. It allows people to concentrate on activities they would not otherwise have been able to engage in and to which they attach great value, such as bringing up children or taking care of the elderly, for example. One should be cautious of eventual perverse effects that may emerge, though. Early retirement incentives may put excessive pressure on eligible workers that nevertheless prefer to stay in the labour market, and contributes to the development of an age stigma. Temporary retirement with the intention of favouring families that have

young children, for example, can also be transformed in an instrument of gender discrimination, as it may especially push women out of the labour market.

Redistributing work time by reducing work hours could, then, seem the only instrument available to reduce the job gap. French economist Marcel Maréchal states that, since the end of the nineteenth century, job creation in France has been, precisely, the outcome of working time reduction, not of economic growth. Here, between 1949 and 1991, the truly active population rose by 16.5%, from 19.074 million to 22.204 million people. However, according to Marcel Maréchal, these 3.16 million jobs were mainly created as a result of the reduction in the average annual working time per worker, which in the same period decreased from 1952 to 1537 hours, thus confirming an historical trend, as in 1837 the average annual work time summed up to 3041 hours (Maréchal, 1999, pp. 203-205).

The concept of job sharing needs to be specified in order to avoid some objections due to misunderstandings, though. Job sharing considered above as an instrument of securing the right to work should not, by any means, concern a mechanism within which employed workers come to share their meagre wage with the unemployed through the implementation of involuntary part-time jobs, which constitutes a softer version of technical unemployment, frequently used by several firms to reduce the global wage burden. In this view, work redistribution has to be understood in terms of a broader redistribution of wealth, and this should concern the whole society. The former way of understanding work sharing means that the redistribution of wealth would be done amongst wages only. Work sharing experiences that have been implemented within this philosophy resulted mainly in lower wages and job precariousness (Collin, 1997, pp. 96-98), not qualifying, though, as right to work securing policies even if the job gap has apparently been reduced.

Work sharing that meets the demands for right to work securing policies, in other words the quantitative as much as the qualitative dimensions of this same right to work, imply a reduction of working hours without a reduction in wages, which means that income redistribution is not done within wages only but within global income, including income from capital, therefore. In doing so, work sharing meets its major obstacle, which is the capital-versus-labour conflict concerning the distribution of income, or in other words the conflict between wages and rents. It doesn't seem probable, then, that this distribution of income will be accepted without significant transformations in the political and economic systems.

As a matter of fact, mainstream economics' obsession with economic growth as the single solution for human welfare is not just a matter of faith. It comes from the very foundation of this school of thought. It is one of its most important constitutive parts. In 1751, writing on equality, David Hume in his *Enquiry Concerning the Principles of Morals* stated that:

It must also be confessed, that, wherever we depart from this equality, we rob the poor of more satisfaction than we add to the rich, and that the slight gratification of a frivolous vanity, in one individual, frequently costs more than bread to many families, and even provinces (...) Render possessions ever so equal, men's different degrees of art, care, and industry will immediately break that equality. Or if you check these virtues, you reduce society to the most extreme indigence; and instead of preventing want and beggary in a few, render it unavoidable to the whole community (Hume, 1751).

It was in order to solve this dilemma, in other words to reach what he would consider a more harmonious society without having to cope with the alleged drawbacks of extensive wealth redistribution, that Adam Smith, ultimately, wrote his *Wealth of Nations*. In it, economic growth was clearly put forward as the only effective instrument to alleviate poverty free of the risk of social clash. In David Ricardo's model too only perpetual growth, meaning steady growing factor productivity, could stop both capital holders and workers from seeing their share of the national income inevitably decrease when compared to that of land owners, and, therefore, avoid social conflict and hopeless deprivation. In conclusion economic growth, in other words expansion of global wealth, has been for a long time the miraculous instrument put forward by mainstream economics in order to simultaneously pacify the lower classes and avoid an extensive redistribution of the wealth historically accumulated by the upper classes.

Classical economists were genuinely concerned with the well being of the lower classes, the weak link of society, though; but they were not too keen on changing the rules of society in order to reach that goal. Despite the fact that universal human rights share with mainstream economics both its liberal genealogy and its concern for the weakest links of society, ensuring the right to work, supposes, on the contrary, substantive societal change. Indeed, as we have seen above, guaranteeing the right to work demands global wealth redistribution consubstantiated in extensively sharing the

work load, which not only deeply questions the dominant economic paradigm, but also claims for a new and global social contract.

We have taken for granted until now that mainstream economics' solution for employment is based on economic growth, but that is obviously not entirely true. As a matter of fact, the majority of mainstream employment policies do not demand economic growth. These policies are usually centred on obtaining the greatest flexibility possible in the labour market. Within this frame, trade unions, generous unemployment benefits, work contracts, and many other institutional arrangements, are considered obstacles to flexibility and, thus, to employment. Does that mean that these policies can constitute an alternative to economic growth in search for equitable development? In the following lines we will show that these policies are intrinsically opposed to the right to work.

First of all, promoting the right to work is not a synonym of fighting against the unemployment rate. Many countries have substantially reduced their unemployment rate with mainstream policies but very often they have done so by violating some of the qualitative aspects of the right to work. Indeed, the reduction of the working classes' standard of living, the dissolution of job security schemes, the erosion of unemployment benefits, the fostering of involuntary part-time jobs, the promotion of trade union irrelevancy, that characterise mainstream employment creation schemes, must not constitute the core of policies intended to promote human rights in general and the right to work in particular. Secondly, promoting the right to work is not about work as much as it is about people. By taking humans as a resource like any other, economics, as seen above, inevitably tends to look for saving work. Now, in human rights language, individuals are not mere resources holding productive specifications, but citizens holding rights. Therefore, policies that take people as disposable assets and sometimes plain liabilities, once again, must not be considered instruments for effectively promoting human rights.

Thus, there seems to be a contradiction between the purposes of purveying everyone with work and of effectively managing the human resource. While trying to demonstrate the importance of culture in economic performance, a recent study perfectly illustrated this confusion. This study compared the behaviours of two farming communities in Illinois, USA. The allegedly poorer economic performing farmers, descending from German Catholic immigrants, seldom sold their land and used labour intensive technologies in order to employ all members of the family. On the other hand,

the better performing Protestant farmers, native from other states of the union, sold their land more often and used less labour intensive technologies (Guizo et al., 2006, p. 25). While trying to show that culture matters in economic performance, what these researchers ended up doing was plainly asserting that, for mainstream economics, purveying jobs to the community is not that valuable a goal as far as economic performance goes.

WATER USE AND SUSTAINABILITY

Water use has been increasing in the world, and most particularly in the developing world, due to two major reasons: population growth and improving living standards. For moderate climatic conditions and average activity levels, Gleick (1996) estimated that the recommended basic water requirements for human domestic needs - drinking, sanitation, bathing and food preparation - was around 50 liters per person per day while a rough estimate of the water required to grow the daily food needs of an individual is 2700 liters.

The same author refers that in 2000, 62 countries had an estimated per capita domestic water use below 50 liters and 81 countries below 100 liters, the majority of them being located in Africa, Middle East, South Asia and Latin America. For the most populated nations, the per capita consumption in liters was 9 for Ethiopia, 14 for Bangladesh, 24 for Nigeria, 28 for Indonesia, 31 for India, 55 for Pakistan and 59 for China (Gleick, 1999).

The potential for water use increases in the future is enormous and the satisfaction of that demand will depend primarily on the resources available. For example the Democratic Republic of Congo (11), Angola (14) and Cambodia (6) will not have problems in the near future to satisfy their increasing demand while for countries such as Somalia (6), Mali (6) and Ethiopia (9) it seems almost impossible to satisfy basic water requirements for human domestic needs.

However, for both types of countries, located either in a scarce or in an abundant environment, the key word in water use is sustainability. In a narrow view, sustainability of water use is the capacity to use the water resources in a way that they are made available in the present and in the future. In a more comprehensive approach the sustainability of water use is multi-dimensional and dynamic and takes into

consideration societal, environmental and economic sustainability (Mihelcic *et al.*, 2003).

Societal sustainability concerns *water-for-citizenship*, which includes notions of social justice and equity and states that social dynamics affect water demand and water access. Water demand can be influenced through changes in demography, in rural and urban concentrations, in agricultural practices, in patterns of socio-economic development and in lifestyles and livelihoods, while water access is subject to caste, gender, ethnicity, race, local social relations and practices and relations of power and knowledge.

Environmental sustainability corresponds to the concept of *water-for-life*; it addresses issues of human and ecosystem health and natural resource protection and restoration. The key aspect is the human influence in the hydrological cycle and environmental needs and human contamination of existing water resources.

Finally, economic sustainability concerns *water-for-business*, which explores the role of water in productivity, employment and economic growth. It plays a mediating role between societal and environmental sustainability and is dependent on the technologies available for different water uses, on the arbitrage made for the different water uses and on the options taken for economic development.

The dynamics observed in the economic, environmental and social dimensions has shaped the water use systems over time and determined the functions they provide to individuals and society. Sustainability can be seen, therefore, as the capacity of a water system to maintain a level of service provision over the long term.

From an ecological perspective the properties of the water systems that contribute for its sustainability are stability, durability, resilience and robustness. The stability of a water system relates to its ability to withstand shocks internal to the system, the durability of the system rests in its ability to maintain service provision even when conditions within the system change, the resilience of a system is the capacity to cope with exogenous shocks and the robustness of the system is the ability of the system to adapt to gradual exogenous developments (Mehta *et al.*, 2007).

In order to satisfy these sustainable properties, society has to fully understand the regulation functions of natural and semi-natural ecosystems over the natural water systems and take into account those regulation functions in the decisions that directly and indirectly affect water systems. Therefore, the satisfaction of the water functions defined by Arrojo (2006) in a sustainable manner requires that individuals and the

society look for water use and water systems not only with respect to its direct use value but also to the indirect use and non-use values. Regarding these, it is crucial to consider the ecological, option, existence and legacy values.

Allocation of water can take place through markets, through other means (*e.g.*, democratic or bureaucratic allocations), or through combinations of market and non-market processes. Whatever the way water is allocated by society some of the indirect and non-use values have not been incorporated in the decision making process regarding water system management and water allocation. Furthermore, because water is important to the process of economic development, essential for life and health, and has cultural or religious significance, it has often been provided at subsidized prices or for free in many situations. In theory, this makes water available to even the poorest segments of society. This is politically popular but brings with it a financial burden because society must pay for the subsidy. It can also encourage wasteful use of water, and the perverse result that many of the poor do not have access to clean water at reasonable prices because those who have access use more water than they need. Balancing these public and private benefits is the challenge.

In this perspective a human rights-based approach to solve the water problems of access, allocation, distribution and sustainability can be put forward in order to satisfy the principles of equality and equity, accountability, empowerment and participation. In this frame government obligations are to respect, protect and fulfil the right to water.

A human rights-based approach to water use, which means using the right to water as a means and a goal of a water management system, promotes values that are, indeed, potentially useful for sustainability. First, human rights are intrinsically intergenerational as there is no time frame in human rights proclamations and irrevocability is inherently contradictory with human rights logic. Second, by transforming problems into rights violations, human rights rhetoric increases the likelihood of working towards sustainability. Third, responsibility and participation are concepts that are part of the human rights language and constitute important tools for sustainability.

Human rights language is indeed intrinsically concerned with sustainability. Take democracy, a corner stone of human rights. In its essence democracy consists not only in the right of participating in the process of making decisions on the laws that govern us but also in the right to alter or revoke them. Indeed, according to Cornelius Castoriadis, what characterized Greek democracy and the subsequent revolutionary

democratic movements is the explicit consciousness that one creates one's own laws and that, therefore, one can change them whenever one pleases (Castoriadis 1998). The same Castoriadis adds that one can only assert that one is free in a society ruled by laws if one has the possibility of participating in the discussion, the deliberation and the formation of those laws. Even so, deliberation encompasses the possibility of renunciation.

Therefore, a particular decision may have been taken democratically, but it cannot be considered democratic if it includes any arrangement preventing it from subsequently being altered or revoked. Decisions that irrevocably prevent future generations from making choices are, thus, intrinsically anti-democratic. Now, environmental unsustainability can fall, precisely, into the scenario of irrevocability. Many of the decisions taken by today's generations regarding irreversible manipulation of natural and semi-natural ecosystems, such as dam building and deforestation, will affect future generations' water sources and supply in an irrevocable manner. The same can be said of the decisions by today's generations about the overexploitation of existing non-renewable ground water sources. It can, therefore, be taken as undemocratic to reduce in such a manner people's choices regarding the way they satisfy their wants as to eliminate political choice and, therefore, democracy.

The introduction of the language of human rights, alongside the language of promoting social and economic objectives, produces a series of changes in the relationship between the economy, the individual and society that contribute decisively to promote both the dignity of the individual and social and environmental responsibility. For example, the rhetoric of human rights introduces an approach to unsustainability that transforms problems into possible rights violations, that is to say into discrimination or structures that prevent people from exercising rights (Offenheiser and Holcombe 2003: 275).

First, from a lucky winner or even a beggar this approach transforms the individual into a petitioner. Indeed, a sustainable strategy will, thus, no longer be about appealing to the generosity or goodwill of society but about requiring it to fulfill an obligation to the individual. Secondly, taking for a right what others would consider a simple objective will constitute a stronger imperative for achieving sustainability, an urgency that it would not otherwise have, increasing the likelihood of its satisfaction. Within the problems language one may have to surrender to the insolubility of deprivation and unsustainability; though. On the contrary, within the rights violations

language, deprivation and unsustainability are not inevitable and, therefore, there is no reason for tolerating them.

This same idea of rights violation leads to responsibility, to identify the source of this violation. In the language of human rights the rights of some individuals correspond to the duties of other individuals, thus, human rights represent the rights which individuals have over the conduct of others. Therefore, if the rights of some individuals are not ensured, this is due to the fact that other individuals or institutions have failed in carrying out their duties. If an individual, through his or her actions, deprives another individual of his or her welfare, the former is accountable to the latter or a court of law. None of this occurs, however, in problem-based logic: no individual and no institution are accountable for a state of affairs in which another individual becomes worse off.

Now, responsibility and participation have been pointed out as important tools for sustainability. Indeed, in recent years the UN has been drawing attention to the linkage between environmental protection and human rights, suggesting that securing human rights could be an essential tool in ensuring environmental as much as social sustainability (UN 2002), particularly through the adoption of policies that favour access to environmental information and public participation in their procedures,

A human rights-based approach does not exclude economics, though, as a broad economic approach to water management does not inevitably lead to the management of water as a commodity in all aspects. If one considers *water-for-life and water-for-citizenship*, water has to be managed as a common pool good or a social good which requires governmental or community action, oversight or regulation in order to respect, protect and fulfil the right to water and, above all, the satisfaction of human basic needs. For example, water pricing that subsidizes the fixed charge portion (for the physical water connection) of water rates, but imposes a volumetric charge (for actual water use) that reflects the highest value use of water, treats each unit of water consumed as a commodity, but treats the piped connection itself as a social good. This pricing scheme could allow the poor to satisfy their basic water needs but also reduce wasteful use of water.

Regarding *water-for-business*, water allocation and use should be managed as an economic good, meaning that water will be allocated across competing uses in a way that maximizes the net benefit from that amount of water. When all opportunities to

increase net benefits of water allocation have been captured its value to society will have been maximized.

All these principles are clear in theory however, the real world is far more complex because the transactions between different uses often entail third-party impacts, and there are many benefits and costs of water use that can never be adequately measured in economic and social terms (Gleick, 2002). A way to overcome these limitations is to incorporate stakeholder participation. This participation can lead to the changes in formal or informal property rights and rules or organizations that will allow water to be allocated to higher value uses through processes that are accepted as fair and equitable by stakeholders and at the same time promote water sustainability. For example, there is growing evidence that when intense community mobilisation allows local people to play a key role in project design and execution, sustainability is enhanced and there is an incentive to make the system more resilient (Kar and Pasteur 2005).

A sustainable development that considers the functions of water in an integrated manner allows access to water to enable people, communities and regions to develop the personal, social and economic dimensions of their livelihoods and uses of water, on top of their basic needs for water for survival, in a way that is resilient and robust over time and in the face of shocks and stresses (Mehta *et al.*, 2007).

CONCLUSION

The use of economic logic alone has proven to be not only inefficient in addressing the issues of full employment and universal distribution of water, but also unsustainable, from both the social and the environmental points of view. Regarding the employment issue, it seems quite natural that an economy that does not aim at full employment can only expect but to reach it through arts of magic, in other words, by some sort of supernatural trickling down effect which takes full employment as the by-product of the attainment of superiorly ranked goals, such as perfect markets.

But magic is no longer what it used to be, and therefore, it seems also quite clear that in fighting unemployment, mainstream economics happens to be not only shooting in the wrong direction but also causing excessive collateral damage. Indeed, we have seen that under the cover of employment policies, i.e. wannabe right-to-work policies,

one can frequently end up facing as many attempts on this same right to work. Misstatements are countless as we have seen above. A human rights-based approach completely changes the perspective on employment. Within this approach more work is not the result of economic growth but of justice. By proposing to reduce the work day our human rights approach promotes both social and environmental sustainability as we are able to reconcile de-growth and employment.

As far as water is concerned, the same questions arise. Through pricing one can admit that under some particular circumstances a simple economic approach can be environmentally sustainable but intrinsically it will not be socially sustainable. Within pure economic logic, environmental and social sustainability become, indeed, conflicting goals. Using the price instrument, for example, is twofold. If prices are high, water use will go down, favouring environmental sustainability but depriving many families of access to water. If prices are too low, or if water is free, access to water can be universal, but excessive consumption can occur and therefore become unsustainable.

A human rights approach, on the contrary, offers a solution to the dilemma above. Indeed, key elements in human rights, such as responsibility and accountability, people's participation, care for choice and revocability are also powerful instruments in procuring environmental sustainability.

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