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Follow-up to the World Summit for Social Development

and the twenty-fourth special session of the General Assembly:

priority theme: promoting empowerment of people

in achieving poverty eradication, social integration

and full employment and decent work for all

Statement submitted by VAAGDHARA, a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.



Statement

In 1969, Saul Alinsky said that a real development programme was a democratically minded people — a healthy, active, participating, interested, self-confident people who, through their participation and interest, become informed, educated and above all develop faith in themselves, their fellow men and women and the future. The people themselves were the future. The people themselves will solve each problem that will arise out of a changing world.

The words of Saul Alinsky, rearticulated by Julius Nyeere when he said that people cannot be developed, they only can develop themselves, essentially captures the spirit of the present statement. VAAGDHARA is of the firm belief that however we may emphasize a rights-based approach and State responsibility, the empowerment of people and their participation in governance concerning the affairs of their lives, as well as those of their communities, are essential for democracy, harmony and social development. All members of society need to have the opportunity to be able to exercise the right and responsibility to take an active part in the affairs of the society and the country in which they live.

Poverty is one of the most important factors in the violation of basic human rights of people. In spite of the wide range of statutes favouring human rights, poor people find it almost impossible to claim and access those rights. Societal circumstances, structural poverty and adverse institutional arrangements make it difficult for the poor to live with dignity and be included in society. For instance, the right to a fair trial and the right to equal treatment before judicial authorities are not enjoyed by the poor, as they find that access to these rights is very difficult. We need to work on a two-pronged strategy to integrate extremely poor people into the human rights system. On one hand, we have to empower poor people to increase their ability to access human rights systems. On the other hand, we have to ensure that human rights mechanisms proactively reach out to poor people.

Empowering people has many facets, but its positive outcome is to enlarge life choices, enhance productive capacities and advance human well-being. This notion has been reiterated by the World Bank, which defines empowerment as the process of increasing the capacity of individuals or groups to make choices and to transform those choices into desired actions and outcomes. Central to this process are actions which both build individual and collective assets and improve the efficiency and fairness of the organizational and institutional context which govern the use of these assets. Therefore, people who are empowered have better chances to bring about desired changes at all levels and shape their own options. In that context, social protection — a vital component of a forward-looking social policy — plays an increasingly important role in promoting the empowerment of people to tackle poverty, in ensuring income security and in addressing sharp declines in incomes.

In India, social protection includes a wide range of programmes and schemes. Some important social protection programmes include food and nutrition programmes, such as the Public Distribution System, the Midday Meals programme and the Integrated Child Development Scheme; housing programmes for rural areas, such as Indira Awas Yojna; and self-employment programmes, such as Swarna Jayanti Grameen Swarojgar Yojana and Self Help Groups.

Currently, the two most important social protection programmes are the Public Distribution System and the National Rural Employment Guarantee Scheme. In fact,

the Public Distribution System has now been expanded into the Right to Food programme, enlarging the reach of its social protection.

The area in which VAAGDHARA operates is inhabited largely by indigenous communities (known in India as “scheduled tribes”). The challenges that these communities confront include geographical isolation, distinctive cultures that at times compete with the dominant culture and the unavailability of education and health facilities. In addition, the forests upon which these communities have depended for centuries are being depleted, which leads to livelihood constraints. The communities’ notions of social protection also needs to be seen in the context of their social integration. Questions of identity and integration are very complex for these communities and need constant review and reflection. As emphasized in the United Nations Declaration on the Rights of Indigenous Peoples, we at VAAGDHARA are convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, which is so important for their empowerment, social protection and integration.

Article 5 of the Declaration states that indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State. The Constitution of India fully provides this space through constitutional provisions such as schedule V and VI as well as through specific legislations such as the Panchayat Extension to Scheduled Areas. Through the Extension, scheduled tribes have the right to participate in decision-making in matters that would affect their rights through representatives chosen by themselves in accordance with their own procedures, as well as the right to maintain and develop their own indigenous decision-making institutions.

In addition, the Constitution of India also recognizes the customary laws and practices of indigenous communities for the purpose of the immediate delivery of justice and local administration. The customary laws of tribal peoples, especially in north-eastern India, enable them to promote, develop and maintain their institutional structures and their distinctive customs, traditions and practices. Customary laws are treated by members of a society or tribe as integral to their culture and basic to their identity. These laws reinforce a tribe’s age-old traditions and bind it together through normative rules by regulating the social and personal relations of its members. Through institutions such as the village council, leaders manage the internal affairs of the village. Culture is a community’s expression of its worldview (i.e., its interpretation of the reality around it, or what can be called its philosophy) expressed through its customs, social relations and organization, language, rituals, festivals, dress, ornaments and arts. It culminates in its identity.

Over the past decade and continuing up to the present, the relevance, fairness and justice-delivery capabilities of customary laws, practices and institutions are being discussed at various levels in order to ensure that they meet the national and international standards of human rights, especially pertaining to gender justice. The point that VAAGDHARA is underlining through this illustration is that we need a balance of social protection and social integration together with the requirements of international human rights regime. While it is important to introduce new “secular”

law into the justice systems of indigenous peoples, it is equally important that we engage with customary law and not ridicule these institutions.

VAAGDHARA believes that the role of national legal systems in establishing a basic social protection framework is very important, both in terms of adopting new laws and regulations specifically aligned with the ideas of the social protection and in terms of introducing legal instruments aimed at better monitoring of protection and social security programmes. Until the beginning of the past decade, protection programmes such as a guarantee of employment and food security were not a part of fundamental rights. Because of the active role of the Supreme Court of India in expanding article 21 of the Constitution, these rights have now become justiciable. It is also our experience that civil society organizations should be involved in the design and implementation of social protection programmes in partnership with other stakeholders. The role of civil society in monitoring the implementation of social protection programmes is essential. Civil society organizations are well placed to undertake or contribute to that national monitoring by taking the real-life situations of individual residents into account. This creates conditions for the empowerment of people with respect to a crucial instrument needed for their well-being and development.
