



Legal measures to eradicate rural poverty

“In adopting the 2030 Agenda for Sustainable Development, world leaders resolved to free humanity from poverty, secure a healthy planet for future generations, and build peaceful, inclusive societies as a foundation for ensuring lives of dignity for all”.

UN Secretary-General, 2017, The Sustainable Development Goals Report

BACKGROUND

Despite global efforts, it is estimated that around 2.2 billion people still live in poverty¹, and that approximately 80 percent of this figure is made up of people living in rural areas. According to the World Bank (2018), putting an end to poverty is proving to be one of the greatest human rights challenges the modern world faces. The Sustainable Development Goals (SDGs) of the 2030 Agenda includes as its number 1 goal, the goal to end poverty.

The SDGs were approved unanimously² on 25 September 2015 by 193 member states after a long process of negotiation and consultation involving different stakeholders, including governments and civil society. Built upon progress from the Millennium Development Goals³, and guided by respect for human rights and the rule of law, the 17 goals and 169 targets focus on ending hunger and poverty, and building a fairer and more sustainable world for all, striking a balance

between economic, social and environmental development and leaving no-one behind.

Under SDG 1, countries pledge to **end extreme poverty**, among others, through the implementation of social protection systems; ensuring equality in access to economic resources, to ownership and control

The “43 countries with poverty rates above 18 percent are in Sub-Saharan Africa. Three-fourths of Sub-Saharan African countries had poverty rates above 18 percent in 2015, and, of the world’s 28 poorest countries (that is, those with the highest rates of poverty), 27 are in Sub-Saharan Africa, all with poverty rates above 30 percent.

Source: World Bank, 2018, p. 27



1 UNDP Multi-dimensional Poverty Index Human Development Report 2014.
2 UN General Assembly of 25th September 2015.
3 From 2000-2015. For more information see - <http://www.un.org/millenniumgoals/>

over land, to new technologies and to basic services; and building the resilience of the poor to reduce their vulnerability to climate, economic or other shocks. Enhanced resource mobilization and sound policy frameworks, based on pro-poor and gender-sensitive development strategies, are recommended.

Poverty is understood not just as lack of income, resources and services such as health, education and housing, but also as deprivation of capabilities and choices as well as social discrimination and exclusion that impede the enjoyment of adequate standard of living and other human rights.⁴

“Wherever we lift one soul from a life of poverty, we are defending human rights.

And whenever we fail in this mission, we are failing human rights.”

Kofi Annan United Nations Secretary-General

STATES' RESPONSIBILITIES

Poverty has been described as a human rights issue. States have legally binding obligations relating to the eradication of poverty, such as duties to progressively realize rights to an adequate standard of living, including food and housing, to the highest attainable standards of health and to social security, under the International Covenant on Economic, Social and Cultural Rights and regional human rights instruments such as the African Charter on Human and People's Rights.

In contributing towards the achievement of SDG1, States should consider how pro-poor strategies, including a combination of policies and legislation, can serve to combat the causal elements of poverty and facilitate transformational change in their economies ensuring that **no-one is left behind**. Such strategies should be multidimensional, including increasing responsible and pro-poor investment, developing rural infrastructure, promoting technology transfer and capacity development, diversifying rural employment, ensuring the responsible governance of tenure, improving access to health, education, water and sanitation services; promoting gender equality and decent work; and improving access to social protection programmes. The policy and legislative frameworks can, among others, facilitate institutional coordination and collaboration across government, provide incentives for responsible private sector engagement, and foster multi-stakeholder mechanisms and participatory governance platforms.

Some African countries have introduced **legal measures to improve women's rights**. This includes laws that allow women to own property, and protect women from discrimination and from harmful cultural practices. This can be seen in Uganda's Land Act of 1998, Namibia's Communal Land Reform Act of 2002, and the Tanzanian Land Act of 1999, while countries such as Malawi and South Africa have constitutional provisions that guarantee a range of women's rights to productive resources such as land and to protection from discrimination. Furthermore, in Ethiopia, Ghana, Malawi and South Africa, legal reforms have sought to regulate matrimonial property, marriage and inheritance laws to protect women. Such legislative measures can help to lift women and families out of poverty.

There should be inclusive processes in the elaboration of pro-poor policies and legislation, bringing all actors to the table and applying a human rights-based approach throughout. Rural women need to be recognized as critical actors in food and nutrition security as they make crucial contributions to agriculture and rural economies for little gains. Empowering women is one of the most effective ways to multiply general well-being, with evidence showing that when women are given equal access to resources, income opportunities, education and social protection, agricultural output and food availability increases and the number of poor and hungry declines.⁵

LEGAL MEASURES

Combating poverty needs the elaboration and adoption of effective laws, as well as policies and programmes, and their proper implementation. Institutions should also be strengthened. How far the law can serve to reduce poverty depends to a large extent on whether the law responds to the specific needs and circumstances of the people, whether the poor have been fully consulted and have participated in the development of the law and its implementation, as well as factors such as respect for the rule of law, and political will.

Multiple factors cause and sustain poverty, but specific legal interventions can be prioritized to aid poverty reduction measures. For example:

- *Protect tenure rights*: providing gender-equitable recognition and protection of the tenure rights of the rural poor to natural resources such as land, forests and fisheries is key to improving their wellbeing. Ensuring the responsible governance of tenure in natural resources through consistent and coordinated policy, legal, institutional and operational interventions

4 1995 Resolution of the World Summit for Social Development; The United Nations Special Rapporteur for Extreme Poverty and Human Rights (A/HRC/7/15, para. 13).

5 FAO 2011. The State of food and agriculture: Women in agriculture.

can contribute to the elimination of rural poverty by guaranteeing access to productive resources.

- *Social protection systems:* Mechanisms for social security, including social insurance and social assistance, can provide both income protection and increased investments. Special and targeted legislative measures can be taken to counter the susceptibility of some groups to poverty, such as women, children (especially in the first 1000 days), the elderly, people with disabilities, refugees, subsistence farmers and fishers and hunter-gatherers. Because mainstream social security legislation in developing countries concentrate on urban populations in formal employment, their application should be extended to rural communities and those in informal employment. The sustainability of safety net programmes (often ad hoc and donor-driven) in many developing countries could be strengthened through the adoption of appropriate legal frameworks that set entitlements, responsibilities and budgetary commitments.
- *Agricultural inputs and support to farmers:* States may develop legislative frameworks that promote access to agricultural inputs, such as fertilizers, seeds and pesticides, and other services that can increase the productivity of small-holders and protect their related rights. They may also introduce or strengthen laws warehouse receipts, permissible agricultural support, public private partnerships and contract farming, which can increase the productivity and income of rural households and contribute to food security and nutrition. Legislation on rural organizations such as agricultural cooperatives can also contribute to increasing the benefits of the men and women that are engaged in the sector. Legislation on agricultural insurance against risks that threaten the income of farmers and agricultural workers, including natural and man-made disasters can strengthen the resilience of agricultural systems.
- *Rural employment and regeneration:* Legislative measures to boost decent rural employment, including the implementation of labour standards in agriculture and related sectors, can lead to poverty reduction by supporting livelihood security. Employment creation programmes to the benefit of the rural poor, responsible investment programmes and innovative technology

Social security

In South Africa, the Social Assistance Act makes provision for old age grants, disability grants, child support grants and war veterans' grants and Botswana provides an old age pension grant to persons older than 65, pension for public sector employees and orphan care benefits.

aimed at improving sustainable productivity in agriculture, can offer greater opportunities to rural youth and women particularly when supported by legislative frameworks that define long-term commitments. They can also help to reduce migration from rural areas.

- *Non-discrimination measures:* Poverty disproportionately affects women, who frequently lack access to productive resources, are denied the benefits of their labour, and are often the targets of abuse, exploitation and violence. Prominence should be given to legal measures to improve the well-being of women, and enable their inclusion in all aspects of social, cultural, economic and political life. Giving women access to, and use and control over land and other productive resources, and avoiding discriminatory laws and practices in terms of inheritance, for example, are vital elements that can raise their living standards and help end poverty.
- *Address governance deficits:* Poverty is exacerbated by failures in governance due to incompetence, waste and corruption. Taking legislative measures to enhance the transparency and accountability of institutions and public officials should increase their effectiveness in the implementation of poverty reduction measures.
- *Right to adequate food:* adopting legislation to recognize and guarantee the right to food for all, including provision for school food and nutrition, tied in with local procurement, can place higher value on local community sustainable production and provide the poor with judicial redress in case of violations.
- *Identity documents:* the absence of identification documents, such as identity cards and birth certificates, impairs access to services and support to the poor, particularly indigenous peoples, minorities and immigrants, in many developing countries. Legal measures can be taken to enable the poor to have identity document and have access to needed goods and services without such documents.

HLPFSD – Recommendations to combat extreme poverty.

Countries need to:

- Grow their economies in inclusive ways, guaranteeing the right to work and just and favourable conditions.
- Invest in people, particularly women and children - basic infrastructure, health, education, access to safe water and sanitation, quality social and physical infrastructure including digital technology.
- Provide social protection floors to the poor and most vulnerable to protect against shocks such as environmental disasters, pandemics, food price volatility, economic crises.

Source: www.sustainabledevelopment.un.org

Poverty reduction interventions cut across all spheres of life - economic, social, cultural, environmental and political. There is no one measure alone that will end poverty, rather an overarching legal, socio-economic development and political framework is needed. Legal measures are vital to provide guarantees, certainty, and long-term governmental commitments; they also establish rights and entitlements of the people, and failure to meet them on the part of an authority can be challenged through administrative and judicial procedures. Legislative obligations lay the ground for the provision of adequate funding to support policy action on combatting poverty. Given that poverty by its nature is cross-cutting, it should be addressed using a comprehensive institutional apparatus for poverty reduction, enabling the coordination of actions and providing for inclusive and participative involvement on the part of all sectors of society and particularly the poor, the marginalized and the most vulnerable.

PARLIAMENTARY ACTION CHECKLIST

The SDGs recognize the 'essential role of national parliaments' to enact legislation, make appropriate budgetary allocations and ensure accountability for the implementation of the stipulated goals (Agenda 2030 para 45).

The eradication of extreme poverty, reduction of inequalities and fostering inclusive growth are achievable with sound legislation, policies and programmes with adequate budget and oversight to improve the livelihoods and resilience of the poor. The participation of parliamentarians in poverty reduction measures is vital because parliament has the role of approving laws and budgets, providing a legislative basis and resources for policy implementation and holding the executive to account for its actions and inactions in various areas relating to poverty reduction and food and nutrition security. Parliament is accountable to the people and can make an important contribution to ending poverty for all. The following actions can be considered:

- Consider forming or joining parliamentary platforms, such as parliamentary committees and parliamentary alliances on food security and nutrition, to promote legislative and other actions to reduce poverty, food insecurity and malnutrition; build consensus on poverty reduction measures at the national and regional levels; and consider national and regional parliamentary commitments towards the achievement of SDG1.
- Support governments to establish national pro-poor priorities and targets and seek the engagement of all actors concerned in processes and dialogue around law-making, budget approvals and oversight.

- Engage in the review of legislation, policies and programmes, for example, those on natural resources tenure, social protection, rural employment, gender equality and right to adequate food, to determine gaps and opportunities for poverty reduction strategies and seek to initiate legislative processes and approve adequate budgets to support such measures.
- Seek alliances with experts, such as those in the academia, technical cooperation, lawyer's groups to support the elaboration of draft legislation contributing to the eradication of poverty, and ensure wide consultation with all sectors of society, particularly their constituencies, for crucial evidence to support legislative processes.
- Advocate to strengthen national statistical institutions to produce data for global, regional and national indicators and support governments to report on results achieved and challenges faced.
- Participate in budgetary meetings to secure available global and regional funding opportunities to support the achievement of the SDG targets.
- Support the adoption and implementation of international and regional standards that can help reduce poverty.
- Seek to disseminate information on the SDG1 targets as widely as possible, participate in capacity building activities and advocate for the achievement of SDG1 in parliament as well as other public fora.
- Consider South-South cooperation – meet with other parliamentarians and seek good practice examples from other countries experiences from the African region and beyond. Consider whether your country can provide good practice examples.

REFERENCES/RESOURCES FOR FURTHER INFORMATION

Additional resources on SDG1 can be found at:

<http://www.fao.org/reduce-rural-poverty/overview/en/>

FAO. Forthcoming. The Role of Law in Rural Poverty Reduction

www.sustainabledevelopment.un.org,

<https://www.ohchr.org/EN/Issues/Poverty/DimensionOfPoverty/Pages/Index.aspx>

World Bank. 2018. Poverty and Shared Prosperity 2018:

Piecing Together the Poverty Puzzle. World Bank, Washington, DC