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Institutionalising Cosmopolitan Responsibilities to the Global Poor: Institutional Cosmopolitanism, Human Rights and the State

Within the field of International Political Theory (IPT) there has been a growing concern for the forms of political representation and governance necessary to achieve global justice. While the field of IPT considers the nature and defensibility of ethical principles regarding issues such as just war theory, human rights and distributive justice, the field now overtly considers the forms of appropriate global governance in the process of addressing specific international ethical issues. The literature addressing the issue of global poverty has typified this renewed focus on governing structures and policies. In particular, cosmopolitan scholarship has been at the forefront of efforts to consider political structures capable of realising justice in a more robust manner than prevailing global governance arrangements. In particular, the arguments of Thomas Pogge have contributed significantly to scholarly thinking about global poverty. A central foundation of cosmopolitan contributions has been the argument that addressing extreme poverty is not charity or beneficence on the part of wealthy societies and individuals, but a moral obligation of the wealthy which stems from the human rights of the global poor. This obligation is not being met given the prevailing severity of extreme global poverty. Cosmopolitans contend that global arrangements ought to promote a standard of universal justice which provides the fundamental human rights of all people wherever they reside in the world. This necessitates rearranging the structures and policies of global governance. Specifically, Pogge's scheme of "institutional cosmopolitanism" aspires to fulfil this obligation by institutionalising human rights in the international and transnational structures of global governance¹.

This essay critically engages with cosmopolitan arguments by questioning whether the global institutions generated by human rights are sufficient to productively guide political action in theory and practice in relation to global poverty. While reforming global institutions with a thorough commitment to human rights and identifying global moral responsibilities is necessary to a proposed global order that avoids the global deprivations currently being visited upon the world's most vulnerable people, the question is whether global institutions and moral responsibilities alone are sufficient. The argument in this essay is that a viable guide to political action which alleviates global poverty must also take account of the potential utility of local institutions such as the state and advance proposals which allow less developed states to have capacity for local action to address poverty. Consequently, scholarly attention within IPT should also encompass feasible local institutional designs which can support efforts to promote poverty alleviation – not just on global institutional forms which relate to global moral responsibilities which address extreme poverty.

The argument that cosmopolitan proposals need a stronger account of local institutions to address extreme global poverty proceeds in three steps. First, the paper considers the foremost cosmopolitan argument in respect to global poverty in the form of Thomas Pogge's analysis of the moral responsibilities which result from existing patterns of global poverty and the cosmopolitan institutions which could ameliorate this circumstance. Second, the paper identifies some problematic aspects of IC. Specifically, that cosmopolitanism struggles to grapple with the significance of local political dynamics and the prospect that the appeal to human rights is not politically compelling enough to create strong global moral responsibilities and institutions. The last section considers the some of the ethical and political implications of focusing upon local political agency and the promotion of robust state institutions. The claim is made that IPT examinations of prospective forms of global governance need to more fully consider the

¹ Thomas Pogge, *World Poverty and Human Rights* (Cambridge: Polity, 2002), p. 169.

productive role of the state, especially when it comes to formulating a political program which moves towards alleviating global poverty.

Thomas Pogge, Human Rights and Global Poverty

Cosmopolitanism has become a prominent line of reasoning within IPT. Obviously, cosmopolitanism has a long history with Diogenes expressing the idea that individuals are citizens of world.² The cosmopolitan ethical impulse is a resolute commitment to the universal community of humanity and a sense of detachment from solely local or national affiliations. However, contemporary cosmopolitan arguments are diverse with a range of motivations underpinning the notion of a universal community of humanity.³ Furthermore, there are a range of differing articulations of the political and institutional forms which are required to support a universal concern for humanity. The most modest form of cosmopolitanism is “moral cosmopolitanism” which advances universal principles of human concern which act as standards by which existing political arrangements and institutions should be justified and criticised.⁴ An example of this form of cosmopolitanism is evident in robust articulations of human rights. The most elaborate articulation of cosmopolitanism is referred to as “political cosmopolitanism” which advocates the creation of universal political institutions at a global level which include all people of the world in the articulation of democratic global institutions. While there are many examples of contemporary political cosmopolitan thought, the strongest accounts of political cosmopolitanism are those of Daniele Archibugi, Richard Falk, Anthony McGrew, and especially, David Held’s articulation of cosmopolitan democracy.

In between these articulations of cosmopolitanism, is a position usefully termed “institutional cosmopolitanism” by Thomas Pogge. This position aspires to realise human rights through the restructuring of existing international arrangements and the development of new institutions which formally recognise human rights as having fundamental priority over other social and economic objectives, as well as possessing the capacity to distribute resources to fulfil the fundamental human rights of individuals around the world. Rather than being a mere standard to gauge the affairs and practices of nation-states, institutional cosmopolitanism entails the development of a range of practical institutions which transcend nation-states in order to arrange an institutional context which fulfils the indispensable needs of all human beings. In order to appreciate the position of institutional cosmopolitanism (IC) it is necessary to detail Pogge’s understanding of the political structures which permit the existing patterns of global poverty and the form of moral responsibilities which stem from the continuing preservation of these unjust institutional arrangements.

Pogge and cosmopolitans call attention to the massive suffering stemming from global poverty. While there have been some important improvements in the aggregate condition of the world’s poor, “One in five people in the world—more than 1 billion people—still survive on less than \$1 a day” and another “1.5 billion people live on \$1–\$2 a day”⁵. It is hard to overstate the horror of contemporary global poverty given that these income levels produce numerous poverty related deaths around the developing world. Pogge indicates that poverty related disasters are not

² Martha Nussbaum, “Patriotism and Cosmopolitanism” in Martha Nussbaum (ed.), *For Love of Country* (Boston, Beacon Press, 1996), p. 7.

³ Nicholas Rengger, “Political Theory and International Relations: Promised Land or Exit From Eden” *International Affairs* Vol. 76 Number 4, October 2000, p. 763.

⁴ Charles Beitz, “International Liberalism and Distributive Justice” *World Politics*, 51 (January 1999), p. 287. For a similar conception see Nussbaum, “Patriotism and Cosmopolitanism”, pp. 7-8.

⁵ United Nations Development Program, *2005 Human Development Report* (New York: Oxford University Press, 2005), p 24.

unprecedented; there were 30 million poverty related deaths resulting from the ‘Great Leap Forward’ in China from 1959–62, as well as other famines.⁶ However,

In just 16 years since the end of the Cold War, some 300 million human beings have died prematurely from poverty-related causes, with some 18 million more added each year. Much larger numbers of human beings must live in conditions of life-threatening poverty that make it very difficult for them to articulate their interests and effectively to fend for themselves and their families⁷.

The disquieting fact is that this extraordinary level of avoidable deprivation prevails in the midst of a world that is increasingly prosperous. Furthermore, various international human rights agreements have repeatedly stated that severe economic deprivation is morally unacceptable. International efforts to highlight and address the issue of extreme poverty are evident in the *UN Charter* and the *Universal Declaration of Human Rights*. Socio-economic human rights were articulated and fully developed in the *International Covenant on Economic, Social and Cultural Rights*, *The Declaration on the Right to Development* and *The Convention of the Rights of the Child*. These principles are regarded as being an indivisible part of the broader human rights agenda, as well as part of the UN’s agenda of promoting human rights to entrench international peace and security. Articulations of socio-economic human rights can be seen as indications of an international normative consensus which sees human dignity as being incompatible with starvation and deprivation. The essential point about this international consensus against extreme poverty and the right to subsist is that while “the right itself has obtained a broad based cross-cultural consensus across the society of states...controversy remains around the different economic, social and political questions involved in its implementation, but the right itself is not contested”⁸. This international concern coalesced into the signing of the *United Nations Millennium Declaration* in 2000 and the resulting eight Millennium Development Goals (MDGs), which articulated a multifaceted response to extreme global poverty.

Pogge is quick to indicate that “socioeconomic human rights, such as that ‘to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, and medical care’ (UDHR, Art. 25) are currently, and by far, the most frequently violated human rights”⁹. The reasons for this are varied. While the practice of socio-economic human rights was frustrated by a lack of support by Western states during the Cold War, the development of socio-economic human rights international law during and after the Cold War indicates that many governments in the developing world valued and supported UN efforts to address extreme poverty. Furthermore, the implementation of socio-economic human rights clashes with other components of global governance and other ideological forces in world politics. The impact of the legal and policy elements associated with global capitalism are asserted as one of the key frustrations of subsistence human rights because socio-economic human rights agreements are largely soft-law rhetorical agreements and declarations whereas global capitalism is “embodied in much harder legal and organizational forms”¹⁰. As Pogge asserts the human rights of the world’s poor are “recognized and violated by international law”¹¹.

⁶ Thomas Pogge, "Recognized and Violated by International Law: The Human Rights of the Global Poor," *Leiden Journal of International Law* 18, no. 4 (2005), p. 741.

⁷ *Ibid.*: , p. 740.

⁸ Ana Gonzalez-Pelaez and Barry Buzan, "A Viable Project of Solidarity? The Neglected Contributions of John Vincent's Basic Rights Initiative," *International Relations* 17 (2003), p. 328.

⁹ Pogge, "Recognized and Violated by International Law: The Human Rights of the Global Poor.", p. 718.

¹⁰ Gonzalez-Pelaez and Buzan, "A Viable Project of Solidarity?", p. 332.

¹¹ Pogge, "Recognized and Violated by International Law"

While the development of the MDGs may or may not be an important step forward in efforts to effectively address global poverty, Cosmopolitan scholars such as Pogge have clearly articulated that existing measures aimed at addressing poverty have failed to uphold basic human rights relating to subsistence. More pointedly, Pogge suggests that the prevailing institutional order has permitted gross abuses of human rights: “affluent countries, partly through the global institutional order they impose, bear a great causal and moral responsibility for the massive global persistence of severe poverty”¹². Cosmopolitans contend that human rights require maximal efforts to protect individuals from the consequences of extreme deprivation wherever they live. That is, universal human rights entail the promotion of moral responsibilities which extend beyond any one national political community and the formulation of global institutions which give effect to these rights. The goal of these thinkers is to get human rights to challenge rather than parallel the existence of extreme global poverty. This entails the development of a global institutional context where extreme poverty is addressed by cosmopolitan ideas and institutions which entrench individual human rights in a more substantial way.

Pogge’s argument focuses on the role that the prevailing institutional order plays in creating and sustaining global poverty, and consequently the responsibility that Western governments and societies bear in not promoting an institutional order which adequately fulfils subsistence human rights. As Pogge forcefully asserts,

We are familiar, through charity appeals, with the assertion that it lies in our hands to save the lives of many or, by doing nothing, to let these people die. We are less familiar with the assertion examined here of a weightier responsibility: that most of us do not merely let people starve but also participate in starving them¹³.

Pogge claims “we are *harming* the global poor if and insofar as we collaborate in imposing an *unjust* global institutional order upon them” which “foreseeably perpetuates large-scale human rights deficits that would be reasonably avoidable through feasible institutional modifications”¹⁴. His use of the term ‘we’ refers to those who benefit from the prevailing institutional order – principally those in Western states. His focus on the moral responsibility of people in Western states is borne out of duties stemming from human rights, specifically that there is not necessarily a positive responsibility to help those in need but there is definitely a negative responsibility derived from human rights not to benefit from or participate in harming the global poor. For Pogge negative duties stem from the moral need to ensure “that others are not unduly harmed (or wronged) through one’s conduct”, while positive duties are where we have “a duty to benefit persons or to shield them from other harms”¹⁵. While scholars like Peter Singer have argued that addressing global poverty is a positive duty of the wealthy to the global poor,¹⁶ for Pogge the responsibility of the wealthy to assist the global poor stems from the duty not to participate in a global order which is harming them.

Pogge’s focus on the negative duty to not contribute to harming the global poor leads to a clear directive: because the prevailing global institutional order does not adequately fulfil fundamental socio-economic human rights, this institutional order must be urgently transformed. Moral responsibility stems from the duties of human right claims, specifically to avoid harming other human beings. Consequently, responsibility to change this institutional scheme rests with those not upholding this fundamental duty – the same individuals and governments currently

¹² Thomas Pogge, “The First UN Millennium Development Goal: a Cause for Celebration?,” *Journal of Human Development* 5, no. 3 (2004), p. 392.

¹³ Thomas Pogge, *World Poverty and Human Rights*, p. 214.

¹⁴ Thomas Pogge, “World Poverty and Human Rights,” *Ethics and International Affairs* 19, no. 1 (2005), p. 5.

¹⁵ Pogge, *World Poverty and Human Rights*, p. 130.

¹⁶ Peter Singer, “The Singer Solution to World Poverty,” *New York Times* 5 September 1999.

benefiting from the institutional order which produces and reproduces patterns of extreme poverty. Socio-economic human rights are central to productively transforming prevailing international law and international organizations, as well as being the motivation for new institutional forms which actively promote the individual rights of the global poor. This directive is vulnerable to the charge that the prevailing global order does not unequivocally perpetuate extreme poverty. This will be examined further in the next section. However, Pogge's argument is also dependent on the prospect of an alternative global institutional order which diminishes the harm to the global poor. The feasibility of Pogge's proposals to address global poverty is crucial to the claim that the current system is indefensible.

Pogge's alternative global order of "institutional cosmopolitanism" involves a restructuring of existing international structures and the development of some new international and transnational frameworks which promote the interests of the global poor in a significant and sustained manner. In terms of reforming existing international institutions, Pogge argues that to achieve a "global order less burdensome on the global poor" it is necessary that affluent countries move beyond prevailing conceptions of development and make

the international trade, lending, investment, and intellectual-property regimes fairer to the global poor as well as some costs of compensating for harms done – for example by helping to fund basic health facilities, vaccination programmes, basic schooling, school lunches, safe water and sewage systems, basic housing, power plants and networks, banks and microlending, and road, rail, and communication links where these do not yet exist¹⁷.

Specifically Pogge proposes that the World Trade Organization (WTO) should cease permitting Western protectionism that disadvantages the developing world. Obviously Pogge is not alone in this claim. A 2002 Oxfam report claims that if developing countries were able to increase their market share of world trade by one percent that it would lift 128 million of the world's poorest people out of poverty¹⁸. Furthermore, Pogge also criticizes the way Trade Related Intellectual Property Rights (TRIPS) in the WTO which relate to pharmaceutical patents, neglect the interests of the unwell in the developing world. He suggests redesigning these institutional arrangements so that pharmaceutical patents are rewarded to the extent they alleviate the burdens of disease and illness around the world¹⁹.

Pogge claims that the ways the global order bestows important rights upon the rulers of states is important to the development of dysfunctional states which plays a key role in constituting global patterns of poverty. Pogge points out that while membership of international organizations (such as the WTO) is formally voluntary, it is only the rulers who have an active choice in the matter, not the public of many states²⁰. The global order privileges the leaders of states, and the population is bound by international agreements, regardless of the level of public engagement. He also claims that "international resource, borrowing, treaty, and arms privileges we extend to such rulers are quite advantageous to them, providing them with the money and arms they need to stay in power"²¹. This is especially the case with the way these privileges allow governments "to dispose of the country's natural resources (international resource privilege) and freely to borrow in the country's name (international borrowing privilege)"²². These privileges often do not lead to tangible benefits to the poor within these societies. This observation

¹⁷ Pogge, "Recognized and Violated by International Law", p. 744.

¹⁸ Oxfam, *Rigged rules and double standards: trade, globalisation and the fight against poverty* (Oxfam International, 2002) available from http://www.maketrade-fair.com/assets/english/report_english.pdf, p. 5. (accessed 2/1/2006)

¹⁹ Thomas Pogge, "Human Rights and Global Health: A Research Program" *Metaphilosophy* 36,1-2, 2005, 182–209.

²⁰ Pogge, "The First UN Millennium Development Goal", p. 392.

²¹ Pogge, "World Poverty and Human Rights", p. 7.

²² Pogge, "Recognized and Violated by International Law", p. 737.

highlights a point that Pogge sees local institutions as very much being constructed by a global institutional order created and sustained by the affluent countries operating in conjunction with local elites.

Pogge's response to the ways these privileges in the global order systematically disadvantage and entrench the global poor is to develop a international institutional context which sharply restricts these privileges. Specifically, IC would entail a "global resource dividend" in which a proportion of all traded natural resources would be directed at ensuring that the global poor would be able to fulfil their basic needs, wherever they may reside²³. Pogge also proposes, in relation to the problems of autocratic regimes abusing their international borrowing privileges, that there should be a constitutional amendment in all states that loans borrowed by authoritarian rulers are not binding for consequently constitutional democratic regimes. Such a proposal would deter banks from lending to authoritarian states. Pogge claims this would deter *coup d'états* and prevent autocratic regimes derailing development trajectories by imposing large debt burdens on subsequent legitimate governments²⁴. The important consequence of Pogge's proposal of IC is that programs such as the global resource dividend and restrictions on international borrowing privileges would condition the ways state sovereignty would be exercised and create institutions that would cut across state boundaries. Yet importantly, these institutions would not seek to create - or necessitate - a world government or global democracy as articulated by other cosmopolitans.

Critiquing Institutional Cosmopolitanism

Pogge has highlighted the graphic scale of contemporary global poverty, critically scrutinized attitudes and interests which permit global poverty to persist, and most importantly, proposed a range of alternative political structures which address the basic economic needs of those currently neglected. The proposal of IC rests in between the moral and political conceptions of cosmopolitanism. Nonetheless, IC is a dramatic reworking of the prevailing structures of global governance. The new institutions proposed by Pogge and the reforming existing international institutions to ensure that the needs of poor individuals around the world would be prioritised by international institutions would be a substantial shift away from the prevailing approaches to combating global poverty. The arrangement of IC would be animated by a direct line of moral responsibility from the wealthy – largely Western societies to the global poor.

However, while these proposals would work within the prevailing system of states, questions certainly remain whether this approach is feasible and realistic in political terms. It certainly appears, given the power of Western states, the hegemonic position of neo-liberal capitalism in policy-making circles and the narrow domestic concerns of many Western governments, that Pogge's proposals appear politically un-realistic. However, the viability of cosmopolitan proposals, and the viability of realising global justice in general, is not determined only by the likelihood of realizing these proposals but rather whether these proposals act as a defensible ethical guide to political action. Viability rests both on questions of political feasibility and ethical defensibility in theory and practice. Given the specific moral responsibilities identified by Pogge and the detailed nature of the institutional reforms, IC is significantly more compelling program of action than other accounts which do not offer the same level of detail and specificity. Nevertheless, there are two important issues surrounding the proposal of IC which condition its utility as a guide to action in theory and practice.

²³ Pogge, *World Poverty and Human Rights*, p. 196-7.

²⁴ *Ibid*, p. 153-5.

The first issue to consider is whether Pogge's emphasis on the influence of global factors and institutions means that IC understates the importance of local factors. While Pogge claims that most economists use "explanatory nationalism" to overstate the significance of local forces for poverty²⁵, Allan Patten suggests that Pogge has fallen into the "opposite trap" and engaged in "explanatory cosmopolitanism"²⁶. However, Pogge is on strong ground when he identifies the ways that the global order bestows international privileges on states and in the ways by which transnational connections create some supposedly 'local' factors. For instance, while local corruption is often cited as a local factor which causes underdevelopment (and a reason not to bestow development assistance), Pogge indicates that corruption has been historically supported by Western transnational corporations paying the bribes (and receiving tax deductions in Western countries until 1999)²⁷. While identifying the global derivation of local factors has a significant level of analytical purchase given the nature of contemporary globalization, local institutions and policies are still important to development outcomes. Furthermore, even in an ideal world where people are aware of their moral responsibilities and pursue them consistently, local practices and institutions would matter to IC given that this articulation of cosmopolitanism *intentionally* falls short of a cosmopolitan democracy or world government.

While there is no doubt that accelerating globalization has conditioned the nature of local-domestic factors, local social and political conditions affect development of particular states in profound ways – for good or ill²⁸. The momentous rise of China, India and other South East Asian economies, and the success of some less developed states, demonstrates that sound local governance in the form of robust local institutions and economic policies are important to engage with the global economy in a productive fashion and promote socio-economic development²⁹. On the other side of the balance sheet, local factors could impede the realization of IC even in the best of circumstances where wealthy states embrace their global moral responsibility to assist the global poor. In particular, there may be problematic local political dynamics such as despotism or severe civil conflict which impede the benefits of a cosmopolitan international order. In these circumstances, state institutions with robust levels of local legitimacy are a crucial component of a political and economic context able to alleviate poverty.

The case of civil conflict needs further elaboration. Civil conflict has been a major dynamic in the poverty of the world's poorest states³⁰. Poverty and civil conflict are co-joined in a vicious circle. These civil conflicts result from the fact that many poor states around the world are colonial constructs which often have low levels of social cohesion and are wracked by ethnic cleavages and past civil conflicts. Essentially, many post colonial states are weak or failing states. These conflicts were particularly significant in the 1990s with the end of the Cold War, especially in Africa³¹. The 2005 UNDP report claims that "of the 32 countries in the low human development section of the HDI [Human Development Index] table, 22 have experienced conflict at some point since 1990 and 5 of these experienced human development reversals over the decade."³² Some of the evidence is startling regarding countries recently affected or engaged in civil conflict:

²⁵ Pogge, *World Poverty and Human Rights*, p. 110-2.

²⁶ Alan Patten, "Should We Stop Thinking About Poverty In Terms of Helping The Poor?," *Ethics and International Affairs* 19, no. 1 (2005), p. 23.

²⁷ Pogge, "Recognized and Violated by International Law", p. 736.

²⁸ Jeffrey Sachs, *The End of Poverty: Economic Possibilities of Our Time* (London: Penguin, 2005), Chapter 3.

²⁹ United Nations Development Program, *2005 Human Development Report*, p. 16.

³⁰ Paul Collier, et al, *Breaking the Conflict Trap: Civil War and Development Policy* (Washington, DC: World Bank & Oxford University Press, 2003), Chp 1.

³¹ *Ibid*, p. 93.

³² United Nations Development Program, *2005 Human Development Report*, p. 154.

- Nine of the 10 lowest HDI countries have experienced conflict at some point since 1990. Only two of them were democracies.
- Seven of the 10 countries in the bottom ranking in GDP per capita have undergone conflict in recent years.
- Five of the 10 countries with the lowest life expectancy suffered conflict in the last 15 years.
- Nine of the 10 countries with the highest infant mortality and child mortality rates have suffered conflict in recent years.
- Eight of the 10 countries with the lowest primary enrolment ratio have experienced conflict at some point since 1990.
- Nine of the 18 countries whose HDI declined in the 1990s experienced conflict in the same period. Per capita incomes and life expectancy fell in virtually all of these countries³³.

Furthermore, these conditions create significant refugee movements, human rights abuses and deaths from the actual conflicts. It is the case that these civil conflicts are fuelled by transnational factors such as the global arms trade (which a few wealthy states are prime beneficiaries of) and the international privileges that the prevailing order bestows on governments, as well as the poorly executed processes of decolonization. But these transnational factors do not alone *cause* local patterns of disadvantage and conflict, nor would IC totally prevent these local forms of conflict. Local structures and political agents play a key proximate role in specific decisions which lead to conflict and to subsequent patterns of insecurity and poverty³⁴. Even though the proposals of IC would place restrictions on international borrowing privileges of states and therefore could curtail local conflict, local institutions are still a crucial component to an institutional order which has the potential to address extreme poverty.

The outcome of these observations is to claim that local factors are important to patterns of extreme poverty and that stable and legitimate state institutions are important to addressing poverty and conflict. Therefore the point is not that IC understates local political dynamics and institutions, but rather the enactment of IC requires a full blooded articulation of feasible local institutional arrangements which connect with the overlaying institutions articulated by the IC program. Of course there are moral and political reasons for wealthy states to intervene and provide assistance to efforts to promote strong and legitimate state functions in the developing world, as well as hopefully, regulating the global arms trade. However, it is also important to relate cosmopolitanism to local institutions, especially in way which enables local states to have some self-directed capacity to promote development and poverty alleviation. However IC, and cosmopolitan thought more generally, does not engage deeply with the question of what local institutions and capacities are necessary for poverty alleviation. This is especially true because in addition to the observation that global institutions cannot readily attend or address all local dynamics, global institutions may also lack the capacity to deliver benefits. This is problem we now turn to.

The second issue which conditions the approach of IC is the standing of socio-economic human rights. It is important to consider the political strength and appeal of human rights in non-ideal settings. In an ideal world, we can expect wealthy states to abide by their moral responsibilities to the global poor and baring problems with the global institutional order itself, or local dynamics as addressed previously, we can reasonably expect extreme global poverty to be ameliorated over time. However, in non-ideal contexts the political standing of human rights becomes crucial to the realization of moral responsibilities required for global justice. Despite Pogge indicating the importance of Article 25 of *Universal Declaration of Human Rights*, he bases the moral responsibilities stemming from IC on a moral conception of human rights rather than legal obligations stemming from existing international human rights law. Given the dearth of

³³ Ibid, p. 154.

³⁴ Collier, *Breaking the Conflict Trap*, p. 172.

sustained Western government support for enforcing promulgated socio-economic rights, there are real questions surrounding the contemporary legal and political position of declared human rights³⁵, yet alone the more profound moral conception which Pogge bases the program of IC upon.

Clearly the “widespread recognition” of human rights has not been matched by sustained implementation of socio-economic rights³⁶. Recent measures to promote international development seemingly continue this trend. In particular the relationship between human rights and the MDGs is questionable. At a basic level of observation, Goal one of the MDGs aims to “halve, between 1990 and 2015, the proportion of people who suffer from hunger”³⁷, while the UDHR declares that *no one* should be deprived. In a more detailed study of the MDGs, Philip Alston claims that *Millennium Declaration* “references to human rights are relatively fleeting” and “rarely rely on any precise formulations”³⁸. Indeed, these goals utilize language which has “no fixed normative content, at least when seen from a human rights perspective”³⁹. Pogge also emphasizes that the goals themselves were watered down between the *Rome Declaration on World Food Security* in 1996 and the *Millennium Declaration* in 2000. While the *Rome Declaration* sought to halve by 2015 the *number* of undernourished, the later *Millennium Declaration* sought to halve by 2015 the *percentage* of people suffering from hunger and extreme poverty⁴⁰. Of course the fact that internationally agreed human rights are being marginalized in official forums could mean that there is a greater need for scholars and activists to argue for human rights but it does not follow that the political weight of these principles is a powerful *motivation* for action and implementation in contemporary global politics. Clearly it appears that it is the reverse. Unfortunately, the appeal to socio-economic human rights is not politically an appealing foundation for Pogge’s contention to restructure the global institutional order.

It must be emphasized that this observation does not mean that human rights have little effect on global politics. It also does not mean that efforts that have been undertaken to promote socio-economic rights and the modest signs of progress should be ignored⁴¹. International human rights law works in political sense over the long term by developing a normative order that stipulates certain types of conduct as desirable and other forms of conduct as undesirable⁴². As such, international law can be conceived as setting out ‘required’ norms of legitimate behaviour where some states and NGOs use human rights to shame or leverage recalcitrant states into internalising human rights norms⁴³. Of course the problem with human rights international law is the weak forms of enforcement for most human rights or, even where there

³⁵ Although it must be stressed in the post World War Two context, western efforts to advance socio-economic rights were strong. See Daniel J. Whelan and Jack Donnelly, “The West, Economic and Social Rights, and the Global Human Rights Regime: Setting the Record Straight” *Human Rights Quarterly* - Volume 29, Number 4, November 2007, pp. 1144-1147.

³⁶ Pogge, “Recognized and Violated by International Law”, p. 718.

³⁷ United Nations, *UN Millennium Project* (2006 [cited May 20 2007]); available from <http://www.unmillenniumproject.org/goals/gti.htm#goal1>

³⁸ Phillip Alston, “Ships Passing in the Night: The Current State of the Human Rights and Development Debate Seen Through the Lens of the Millennium Development Goals,” *Human Rights Quarterly* 27, no. 3 (2005), p. 760.

³⁹ *Ibid*, p. 760.

⁴⁰ Pogge, “The First UN Millennium Development Goal?”, p. 378. Pogge indicates that once population growth is imputed into the percentage of poverty, that the poverty reduction target “shrunk by 101.5 million” between these two declarations.

⁴¹ Alston, “Ships Passing in the Night”, pp. 825-6.

⁴² See Roslyn Higgins, *Problems and Process: International Law and How We Use It* (Oxford: Oxford University Press, 1994), Christian Reus-Smit, “The politics of international law,” in *The Politics of International Law*, ed. Christian Reus-Smit (Cambridge: Cambridge University Press, 2004).

⁴³ See Margaret Keck and Kathryn Sikkink, *Activists beyond borders: advocacy networks in international politics* (Cornell: Cornell University Press, 1998).

are empowered institutions such as the International Criminal Court, the problem is sparse or heavily qualified membership and participation by states. But human rights principles have reshaped the way that many states have conceived of their own priorities over the last five decades – including the delegitimation of colonialism⁴⁴. So the normative impact of human rights has been important in establishing a “standard of civilisation” which promotes the value and respect of individual human beings⁴⁵.

However, this normative development is of little consolation to the global poor who have largely been left on the outside of this normative progression. It is clearly the case that the economic and subsistence rights are more weakly supported than other forms of human rights in the contemporary context. Western support for the indivisibility of civil-political and socio-economic rights is currently lacking – even though Western support was more fulsome in the past⁴⁶. Contemporary efforts to articulate human rights law have clashed directly with other forms international law, such as the international law that enables neo-liberal global capitalism which has pragmatically promoted property rights and rights of transnational capitalist agents over human rights⁴⁷. The influence of the US also looms large in support of neo-liberalism and in respect to a suspicious and dismissive stance in relation to socio-economic rights. As Pogge notes, one of the key problems with the development of economic rights is the near complete absence of US support⁴⁸. This lack of support in recent decades occurs for a range of ideological and pragmatic reasons which are unlikely to change any time soon⁴⁹. As long as the preponderance of neo-liberal norms continues there appears to be firm limits on what we can expect from socio-economic human rights in practice.

Augmenting Institutional Cosmopolitanism

The preceding observations combine to place doubts on the viability of IC to be a guide to political action in theory and practice in respect to global poverty. This doubt stems from an incomplete articulation of the types of institutions required to promote justice and poverty alleviation. There are two principle problems which stem from preceding analysis. First, *local institutions are more important to the capacity of IC to address global poverty than Pogge contends*. It could be argued that states only need to enact civil and political human rights, and promote democracy in the domestic domain. However, this counter-argument does not explore the specific types of local institutions required to promote democracy, let alone the types of institutions which promote development and poverty alleviation. Second, the preceding points mean that *there are strong reasons to contend that human rights may not generate moral responsibilities and global institutions required to support IC and address global patterns of poverty*. That is, the failure of these moral responsibilities is ethically undesirable but unsurprising and foreseeable. As such, even though Pogge develops the case of the *necessity* of human rights and the duties they bestow very strongly as a guide to ethical action in relation to global poverty, the *sufficiency* of human rights is questionable. Furthermore, there is a tendency in the discourse of human rights of emphasizing the agency of those who ought to act to fulfil their positive or negative duties. In the case of global poverty, it could be said that focusing upon the moral responsibility to promote human rights has the effect of therefore *emphasising* and political agency of the wealthy West while *downplaying* the actual or potential political agency of poor societies and states. Consequently, it is

⁴⁴ Christian Reus-Smit, "Human rights and the social construction of sovereignty," *Review of International Studies* 27, no. 4, 2001.

⁴⁵ Jack Donnelly, "Human Rights: A New Standard of Civilization?" *International Affairs* 74 (January) (1998).

⁴⁶ See Whelan and Donnelly, "The West, Economic and Social Rights, and the Global Human Rights Regime"

⁴⁷ See Tony Evans, *The Politics of Human Rights: A Global Perspective*, Second ed. (London: Pluto Press, 2005), Chapter 4.

⁴⁸ Pogge, "Recognized and Violated by International Law", p. 720.

⁴⁹ See Jeffrey Sachs, "The Development Challenge," *Foreign Affairs*, no. March/April (2005).

not just the existence of legitimate state institutions which matters, but the possibility of developing self directed local capacities to promote development.

In order to promote global justice in a non-ideal world IPT must consider contingencies for situations where poor societies are not assisted actively and fulsomely supported by wealthy states fulfilling their moral responsibilities. In a sense this essay contends that efforts to address global poverty need to focus more attention on the effectiveness of institutions rather than emphasising questions of precise moral responsibility. As Andrew Kuper argues

It is not enough to say that all persons have equal moral claims on us; we need to ask how best to organize ourselves politically and economically to meet those claims. Which combinations of rules and institutions of governance are most effective?⁵⁰

However, I argue that it is necessary to move beyond only asking how global cosmopolitan obligations are going to be met and consider the productive role that local institutions and responsibilities play in addressing extreme poverty. Focusing on cosmopolitan obligations can narrowly focus political imagination and action on the agency, intentions and capabilities of the relevant duty bearers, rather on the broader conceptions of possible and practical institutional forms which could potentially improve people's lives. While some of the proposals of IC could be undertaken by specific states, more dramatic cosmopolitan transformations of the global order are dependent upon Western willpower materialising.

It must be emphasized that this does not invalidate the approach of IC, or cosmopolitanism more generally. Rather the issue here is a fundamental question of what should be done, from a perspective which seeks to provide a guide to ethical action in theory and practice in relation to global poverty, if the human rights responsibilities which connect wealthy countries to the poor countries are weakly supported or the global institutions formulated to address global poverty are weakly developed. In this context alternative institutional forms become especially important. The contention here is that IC is incomplete and requires a fuller consideration of suitable local institutions to be a convincing guide to political practice. While reforming the global context is absolutely crucial to alleviate global poverty, as Pogge contends, this does not mean that local institutions and agency can be neglected from a reasonable guide to moral action in respect to global poverty.

One significant counterargument to the view presented here that we need to consider the role of local institutions and agency, is to argue for stronger forms of cosmopolitanism. The approach of cosmopolitan democracy, for example, would attempt to transcend some of the problems indicated here, by replacing the moral responsibilities of the rich and the poor with a democratic structure which would transform notions of moral responsibility into political responsibility such that global institutions would be accountable for everyone's welfare. Arguments that seek to promote global citizenship are evident in political cosmopolitan arguments of thinkers such as David Held and Richard Falk, who argue that the only way to address problems such as global poverty is to include everyone in a globally unified democracy underpinned by global citizenship and cosmopolitan law⁵¹. The development of a cosmopolitan democracy according to these authors requires the regulation of economic life that goes against the deregulation and privatization associated with neo-liberal capitalism, or even the duties embedded in human rights alone⁵². The proposal of cosmopolitan democracy emphasizes the importance of replacing the

⁵⁰ Andrew Kuper, "More Than Charity: Cosmopolitan Alternatives to the "Singer Solution"," *Ethics and International Affairs* 16, no. 1 (2002), p. 112.

⁵¹ David Held, *Democracy and the Global Order* (Cambridge: Polity Press, 1995)

⁵² Held, *Democracy and the Global Order*, David Held, *Global Covenant* (Cambridge: Polity Press, 2004) and Richard Falk, *On Humane Governance* (Cambridge: Polity Press, 1995).

states system which permits poverty, war and environmental degradation with more humane and inclusive institutions which include global forms of representation. However, even more so than moral cosmopolitanism and the program of IC, political cosmopolitans provoke a wider range of criticisms about whether a cosmopolitan democracy is realistic let alone feasible or desirable – the type of concerns which IC attempts to avoid. Furthermore, this approach also does not engage with the potential utility of local forms of authority and community.

Therefore the question turns to what forms of political theory offer resources in thinking about the potential role of the state. Clearly social democratic proposals are one alternative, but contemporary arguments overlap considerably with political cosmopolitan arguments⁵³. One, largely overlooked, approach which focuses upon the state is neo-roman republicanism. While republicanism has a long and contested legacy, it is a form of political reasoning which centres on developing civic ethics and institutions which are intent on establishing liberty as a public achievement within a given state. While republicanism has been associated with “communitarian” scholars such as Michael Sandel and David Miller, who have strongly defended the importance of national political community, neo-republican scholars such as Quentin Skinner and Philip Pettit have placed republican ideas closer to liberalism by arguing that republicans are intent on the liberty of the individual but argue, in contrast to liberalism, that this liberty can only be constituted collectively by a appropriately empowered republican state⁵⁴. Consequently, republicanism’s conception of liberty is an institutionalised context where citizens are free from subordination or domination from the state itself or from other interests or actors in society⁵⁵. Such a state’s power is managed by checks and balances as well as ongoing citizen oversight and public deliberation. The aspiration of republican structures and policies is to constitute individual independence by either protecting individuals and dampening down the flows of power or augmenting the capacity of individuals to protect themselves from subjection.

Specifically, republican thinking can also contribute arguments in support of developing and designing robust states in parts of the world where states are failing or weak as a result of endemic civil conflict or tensions⁵⁶. The UN has advanced statebuilding efforts under the title of “peacebuilding” as part of its efforts to ‘follow up’ humanitarian interventions and missions. The goal of peacebuilding is the ambitious one of ensuring that fragile and war torn societies do not lapse back into conflict and abject poverty through the development of a legitimate state apparatus and the promotion of socio-economic development⁵⁷. The correlation between state weakness/failure and poverty, as mentioned previously in relation to UNDP data, is a feature of world politics which has important consequences for extreme global poverty as well as global and local insecurity⁵⁸. Rebuilding the political and economic infrastructure of poor countries is crucial to enabling them to have any hope in engaging productively with the global economy. One of the problematic aspects of both moral and political cosmopolitanism is a lack of sustained connection to the problems of state collapse and rebuilding. Statebuilding has important analytical, policy and normative implications for avoiding both poverty and insecurity.

⁵³ Held, *Global Covenant*, Chapter 10.

⁵⁴ Philip Pettit, *Republicanism* (Oxford: Oxford University Press, 1999), Quentin Skinner, *Liberty Before Liberalism* (Cambridge: Cambridge University Press, 1998).

⁵⁵ Pettit, *Republicanism*, p. 80.

⁵⁶ Michael Barnett, "Building a Republican Peace: Stabilizing States after War," *International Security* 30, no. 4, 2006, pp. 87-112.

⁵⁷ Simon Chesterman, "State Building and Human Development," Occasional Paper 1 (2005), p. 1-2.

⁵⁸ See Stephen Krasner and Carlos Pascual, "Addressing State Failure" *Foreign Affairs* Vol 84, Number 4, 2005, p. 153.

However, there are scholars who argue that Western efforts to promote coherent and stable states have been unsuccessful and counterproductive⁵⁹. Some of the blame for this rests, again, on the lack of sustained Western willpower and adequate resources. But some of the blame also rests on the problems with the liberal panacea which underpinned efforts in the 1990s and 2000s to promote stable states. Efforts to promote stability have been undermined by “the destabilizing effects” that the promotion of liberal conceptions of free market capitalism and rapid democratization has generated⁶⁰. Consequently Michael Barnett has advanced a republican rationale which could and should underpin peacebuilding efforts:

Unlike liberal peacebuilding, which uses shock therapy to push postconflict states toward some predetermined vision of the promised land, republicanism’s emphasis on deliberative processes allows space for societal actors to determine for themselves what the good life is and how to achieve it⁶¹.

Barnett characterizes republicanism as a pragmatic approach to politics which seeks to foster local political institutions which promote deliberation and representation, which emphasizes the dangers of factions in society and which impose constitutional restraints on authority⁶². In particular such an approach proposes “creating bridges between factions and individuals as they build a community might also produce a greater love of country and a sense of patriotism, understood as a sense of belonging that transcends race, ethnicity, or other groupings”⁶³. The goal in cases of post conflict reconstruction, and even in cases where the institutions of state are merely weak or unrepresentative, is to promote the idea of public deliberation as well as the formation of local political agency which promotes the needs of society. Crucial here is the sense that the republican promotion of statebuilding is concerned more with the participation and interests of the given societies rather than the visions and interests of the intervenors.

These republican principles also have a resonance wider than just post conflict rebuilding, given the number of states around the world suffering from institutional weakness evident in low levels of popular legitimacy, weak or deficient democratic institutions and socio-economic underdevelopment. Some economists and observers are cognisant that some neo-liberal programs of liberalization and privatization authored by the World Bank and IMF have not worked to promote successful development and have not helped to formulate the legal infrastructure to underpin vibrant capitalism. This point has also surprisingly been made by Francis Fukuyama who says that the “excessive zeal in pursuing this 'neo-liberal' agenda undermined the strength of states to carry out those necessary residual government functions”⁶⁴. Indeed, in recent years the IMF and World Bank have actively “sought to emphasize their contributions to the poor”⁶⁵. The controversial nature and the real failings of structural adjustment, especially in Africa,⁶⁶ meant that this program was replaced in 1999 by *Poverty Reduction Strategy Papers* (PRSP) specific to each participating country. These policies have a

⁵⁹ David Chandler, "Back to the Future? The Limits of Neo-Wilsonian Ideals of Exporting Democracy," *Review of International Studies* 32, no. 3, 2006, pp. 475-94.

⁶⁰ Roland Paris, "Peacebuilding and the Limits of Liberal Internationalism," *International Security* 22, no. 2 (Fall) (1997), p. 89. See also Chandler, "Back to the Future? The Limits of Neo-Wilsonian Ideals of Exporting Democracy."

⁶¹ Barnett, "Building a Republican Peace", p. 90.

⁶² Ibid, p. 94.

⁶³ Ibid, p. 99. For further republican analysis of patriotism and its difference with nationalism see Maurizio Viroli, *For Love of Country: An Essay on Patriotism and Nationalism* (Oxford: Clarendon Press, 1995).

⁶⁴ Francis Fukuyama, "Bring back the state," *The Guardian*, August 20, 2004. See also Francis Fukuyama, *State-Building: Governance and World Order in the 21st Century* (Ithaca: Cornell University Press, 2004).

⁶⁵ Andrew Hurrell, "Global Inequality and International Institutions," *Metaphilosophy* 32 January (2001), p. 54.

⁶⁶ Gordon McCord et al, "Understanding African Poverty: Beyond the Washington Consensus to the Millennium Development Goals Approach," in *Africa in the World Economy*, ed. Jan Joost Teunissen and Age Akkerman (The Hague: FONDAD, 2005).

renewed emphasis on tailoring programs in each country to achieve poverty reduction *and* economic growth rather than growth alone⁶⁷. While these measures demonstrate a shift away from conventional structural adjustment, they are a modification – not a massive step away from the neo-liberal agenda⁶⁸. However, republicanism would assert that the public of a state should be the ones to determine, through public deliberation in a democratic political system, what functions the state should fulfil in order to promote a common sense of liberty – not political theorists or international bureaucrats. Republican political theory has relevance not just to statebuilding and post conflict rebuilding but the more general debate as to what functions states should fulfil in order to promote development.

Nevertheless, both in the case of post conflict rebuilding and the more general circumstance of state weakness, the function of outside international institutions and other countries looms large. Obviously, countries rebuilding the institutions of a robust state after conflict do not have all the resources or the military capacity required to ensure this process is successful and equally clearly, the Western world has a moral responsibility to support this process. However, the danger of imperialism, real or perceived, is a significant problem. As Nicholas Wheeler suggests in his study of humanitarian missions, “there is a dangerous arrogance in the idea that the secure liberal societies of the West have the answers”⁶⁹. It must be emphasized that republicanism is not a ‘one size fits all’ blueprint for statebuilding. Barnett stresses that not only does the success of republican proposals depend on a range of factors beyond the control of any actor involved in post conflict rebuilding process, but the appropriate republican mechanisms to promote deliberation and political participation cannot be “addressed in the abstract, but rather require judgment informed by a deep knowledge of local circumstances and views”⁷⁰. In reference to the World Bank and IMF there is the long held perception of imperialism and what Andrew Hurrell refers to as “coercive developmental paternalism” associated with various forms of conditionality⁷¹. Therefore efforts to improve the effectiveness and responsiveness of international institution policies to developing countries are extremely important. The recent development of the UN’s Peacebuilding Commission to act as a central location for expertise regarding statebuilding and in assisting in providing predictable finance could be considered one modest effort consistent with these imperatives. Likewise the development of the post Washington consensus policies - in respect of the PRSP efforts to enable states to have greater ‘ownership’ of internationally sponsored programs and the MDGs focus on benchmarks of each individual country can be seen to be slightly more responsive to developing states aspirations and sovereignty. These measures can be seen to be an improvement in the effectiveness of international institution efforts to develop state capacity and in efforts to respect the sovereignty of developing states.

Conclusion

This essay’s consideration of IC in relation to global poverty concurs that the moral responsibility of the continuing tragedy of patterns of extreme poverty rests principally with Western governments and societies. Furthermore, Pogge’s practical proposals such as the global resource dividend and a constitutional amendment which qualifies the international borrowing privilege of states are important proposals which could improve the condition of the global poor.

⁶⁷ International Monetary Fund, *The Poverty Reduction and Growth Facility (PRGF)* (2006) available from <http://www.imf.org/external/np/exr/facts/prgf.htm> (Accessed on the 20/12/2007)

⁶⁸ Jan Aart Scholte, “The Sources of Neoliberal Globalization”, *UNRISD*, November 2002, p. 17.

⁶⁹ Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000), p. 32.

⁷⁰ Barnett, "Building a Republican Peace", p. 111.

⁷¹ Hurrell, "Global Inequality and International Institutions", p. 50.

However, while this essay contends that cosmopolitan moral obligations are valid, this does not mean that they offer comprehensive political foundations to address global poverty. In order to be a viable guide to political action which addresses global poverty, consideration needs to be given to arguments beyond of the ambit of cosmopolitan conceptions of human rights. The argument here has been that the reliability of global moral responsibilities is questionable and that local institutions such as the state are important to addressing the problem of global poverty and currently overlooked by Pogge's account of IC. The arguments regarding contemporary statebuilding could be seen to be measures which could productively parallel and accompany IC. In addition, republican arguments for strengthening the institutional foundations of states around the world, in terms of enhancing deliberation, citizenship and patriotic principles underpinning the state, are an important theoretical counterpoint to cosmopolitanism which should be considered alongside cosmopolitan proposals. It must be emphasised that the objective of promoting robust states in the developing world does not discharge Western obligations to create a more just global economic order nor should be done outside the ambit of established human rights principles.

In essence, while the field of IPT has increased its focus on the forms of governance required to realise ethical aspirations, the cosmopolitan focus of much of this literature has focused on global governance and has not considered the utility of the state. The issue of global poverty vividly indicates that local factors and the institutional structures of the state remain important elements of any reasonable effort to address extreme poverty. The domestic legitimacy of state institutions and local capacities for collective decision-making about economic affairs are important and need further consideration within the field of IPT. Furthermore, IPT needs to consider local programs of governance and local forms of agency of poor states and societies in circumstances where global programs are unlikely to be realised because of inaction by dominant states. Furthermore, IPT needs to consider the ethical and practical implications of statebuilding more fully. The realisation of global justice requires IPT to couple its consideration of prospective forms of global governance with the potentially productive role of the state.