Policy Responses to Discrimination and their Contribution to Tackling Chronic Poverty

What is Chronic Poverty?

The distinguishing feature of chronic poverty is extended duration in absolute poverty.

Therefore, chronically poor people always, or usually, live below a poverty line, which is normally defined in terms of a money indicator (e.g. consumption, income, etc.), but could also be defined in terms of wider or subjective aspects of deprivation.

This is different from the transitorily poor, who move in and out of poverty, or only occasionally fall below the poverty line.

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Table of Contents

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1   Introduction

1.1   Chronic poverty and discrimination

This paper is part of a stream of work for the Second Chronic Poverty Report (CPR2) on social change, policy and chronic poverty. It reviews the available literature to attempt to draw lessons on how anti-discrimination policies can help reduce chronic poverty, and what the limits to an anti-discrimination focus are in combating poverty. While it is more directly concerned with these practical questions rather than a theoretical understanding of discrimination, it will be necessary to establish some basic concepts of discrimination and how it is connected with chronic poverty before going on to look at policies in practice.

Discrimination is a widely used term, whose precise meaning is nevertheless – or perhaps, even, therefore – often contested. International human rights conventions are a useful starting point. The UN International Convention on the Elimination of All Forms of Racial Discrimination defines racial discrimination as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life". The Convention on the Elimination of all forms of Discrimination Against Women includes a very similar definition referring to "sex" and "women" rather than "race, colour…" etc as appropriate. These definitions, while broad, both focus on the core issue - unequal treatment on the basis of group identity rather than individual merit; and capture why this is a problem – it can impair the enjoyment of basic rights or freedoms. However, it is also clear that the term can be applied to a wide range of phenomena and acts, not all directly connected to poverty.

Poverty and discrimination can be conceptually linked through a power relations approach, with the unfavourable treatment of members of less powerful groups by members of more powerful groups reinforcing power relations. (See section C.1 for a further discussion of this approach.) This is sometimes contrasted with "positive discrimination", where those deemed to be less powerful are treated *more* favourably on the basis of their group status. Essentially both of these treatments are types of discrimination – it is the purpose of the act of discrimination, rather than the act itself, which is used to justify the classification of "positive" and "negative" – a classification which may, of course, be contested.

Unequal power relations in society are of course produced by a wide range of processes, economic and political as well as social. Their production and reproduction does not solely flow from, or even necessarily involve, acts of discrimination. For those interested in poverty reduction, seeking to lessen or prevent

acts of discrimination will not necessarily lessen or prevent poverty. However, analysis of chronic poverty suggests that discrimination is, at least, often a part of processes that drive and maintain chronic poverty. The First Chronic Poverty Report (CPR1) noted the role that discrimination can play in reinforcing disadvantage – in maintaining and deepening the chronic poverty of people belonging to a wide range of social groups. On page 14 the Report lists the following as social categories which are often used as a basis for discrimination:

- 'ascribed status' (race, ethnicity, religion, caste,);

- people in oppressive labour relations (e.g. bonded, migrant or stigmatised labour);

- position as an 'outsider' (migrant labours, refugees and internally displaced people, people without citizenship documents);

- disability;

- certain forms of ill-health, especially HIV/AIDS;

- gender;

- age (e.g. children, youth and older people);

- household composition (young families, families headed by disabled people, children, older people and widows).

Long as it is, this list is not exhaustive, and indeed it is hardly feasible to specify every type of social or group identity that might be constructed or used as a basis of discrimination. These categories are obviously not mutually exclusive, and many people suffer from multiple forms of discrimination, e.g. women from ethnic minorities, religious minority refugees, older people with stigmatised illness (e.g. leprosy), etc.

Not all discriminated-against groups are materially poor, as the situation of e.g. Ugandan Asians or Chinese in Indonesia illustrate, although all are vulnerable politically and therefore economically or socially, and many "non-poor" people have suffered through discrimination. However in many cases their lack of power is manifested in (and reinforced and reproduced by) a weak position in the economy or labour market. This can lead to an overlap between social class formation or perpetuation and discrimination, most obviously in the case of caste-based or bonded labour discrimination. With gender or age-based discrimination there may not be a simple relationship between the two processes, although interaction between the two can produce multiple layers of discrimination. However, in regard to poverty reduction, socio-economic class factors will be crucial in understanding the impact of

anti-discriminatory policies. For example, in the UK, the 1999 victory in a long struggle to get the MCC[1] to allow "ladies" to join was an anti-discriminatory success, but had little direct impact on the poverty experienced by working class single mothers.

Cultural and social psychological factors can make discrimination particularly hard to eradicate. Challenges to discriminatory beliefs or processes threaten not only existing economic arrangements which benefit those who discriminate, but also their world view and social identity. The International Council on Human Rights Policy, in a major report on economic and racial discrimination, notes that "from the perspective of dominant groups, their [victimised groups'] inferiority "justified" their exploitation and their consequent impoverishment "demonstrated" their inferiority"[2].

Attempts to eliminate discrimination may even threaten the social identity of the intended beneficiaries. This suggests that people who suffer discrimination may come to internalise the belief-systems which justify their treatment. Discussing different concepts of women's' "empowerment", Naila Kabeer points out that people's responses to being discriminated against in cultural norms and behaviour can vary greatly, for various reasons. Women may struggle against such norms and fight for greater independence or power: however, they may also work with them for strategic reasons, seeing opposition as risky and unlikely to be productive, and seeking to make what gains they can for themselves within the limitations of socially determined gender roles through becoming effective at fulfilling these roles (e.g. bearing and raising children). They may even accept a subordinate status as "justified on the grounds of biological difference/inferiority, by divine intervention or more simply "because that is how it has always been""; part of "a self-evident "common sense" about the world"[3]. While more concerned with adaptation to than acceptance of discrimination, one experimental study in India, comparing dalit and higher caste children's behaviour in solving puzzles for a monetary reward, shows how expectations of discrimination are formed at an early age.[4] The researchers found that when the experimenter publicly announced the caste of each participant, the performance of dalit children suffered significantly (their performance was otherwise indistinguishable from that of the higher caste children). Prominent African activist-writers such as Frantz Fanon and Steve Biko addressed much of their work to trying to change mental habits and beliefs among African people that they saw as a product of colonialism or apartheid.

Discrimination thus has both socio-economic structural and cultural/psychological aspects that both need to be understood to effectively prevent or lessen it. The interplay between economic self-interest and discriminatory beliefs, and also

1 Marylebone Cricket Club: established in 1787 and a stronghold of conservative values. It could be argued that the admission of women to membership contributed to a wider social and cultural process of increasing recognition of women's rights.

2 ICHRP 2001, p3

3 Kabeer 1999 pp8-9

4 Hoff and Pandey 2004

between these and class-based discrimination, notions of the "deserving" and "undeserving" poor, etc is a complex one that there is not sufficient space to explore in detail here. However, it is important to both take beliefs and identities seriously as motivating forces for human behaviour, while not losing sight of the importance of economic insecurities and structures in creating and reinforcing them.

The brief for this paper is to look at cases where policies have successfully changed discriminatory practices to the benefit of chronically poor people. However, it will not seek to simply find and uncritically champion universal policy models, nor will it pretend that policy or the actions of politicians and policy makers alone are sufficient to achieve social change that will end the chronic poverty of groups suffering discrimination. Unrealistically high expectations are to be guarded against. As the ICHRP says of racial discrimination, "when racial and economic discrimination are associated for a long period of time, disadvantage tends to become entrenched over generations and reform is particularly difficult to achieve"[5].

1.2   A framework for discussing policy responses

A great variety of policy responses to discrimination have been made. In order to make subsequent discussion of policies in action clearer, I will use a simple framework for categorising different policy responses.

a. Policy areas: A major international study by the ICHRP on racial and economic discrimination concluded that there are five areas which policy must address "at a minimum": legal rights; political representation; economic resources; key services; and attitudes and perceptions[6]. Significant similarities can be found in the UN Convention on the Elimination of All Forms of Discrimination Against Women, which commits signatories to address constitutional and legal equality (Article 2) including in matters of marriage and personal life (Article 16), "political and public life" (Article 7), employment (Article 11), education (Article 10), healthcare (Article 12) and in general "the political, social, economic and cultural fields" (Article 3), and "the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women" (Article 5).[7]   The UK Department for International Development's (DfID) recent policy paper on Social Exclusion also lists different ways to tackle the "challenges posed by social exclusion" – among them are "economic opportunities", "political participation", "protect citizen's basic human rights" (roughly corresponding to legal rights), "benefit from public expenditure" and "policy frameworks" (which could cover "key services"), and "tackling prejudice and changing behaviour"[8].

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5 ICHRP 2001 p2

6 ICHRP 2001 p23.

7 http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm

8 DfID 2005 p1

The ICHRP listing thus provides a concise model that captures many of the features of other international approaches to understanding anti-discrimination policy (as shown above), and I have therefore adapted it to produce the following basic framework for categorising policies discussed in this paper:

- Legal rights: formal equality before the law, including constitutional declarations of equality, delineation rights of certain groups, ability to seek legal redress; also access to justice and elimination of discrimination from the justice system.

- Political representation: e.g. supporting or ensuring representation in legislature by members of discriminated-against groups and other types of engagement with formal political processes.

- Economic resources: e.g. prohibiting discrimination in labour markets or access to finance, redistributive tax or benefits systems to help discriminated-against groups. Includes environmental issues such as land and water usage, natural resource based livelihoods (e.g. fishing, forest products).

- Key services: especially social services in the education, health, housing and welfare sectors.

- Attitudes and Perceptions: refers to social relationships and perceptions at all levels which may produce hard-to-legislate-against discrimination in practice in all the other areas (e.g. voters choosing against a female political candidate, girl children being abandoned or killed because they are unwanted, or teachers altering their ambitions for ethnic minority children because they believe they are less able). Policies may be mass media campaigns, grassroots initiatives, etc.

Having made this categorisation, it is important to remember that, just as interventions in multiple areas are called for, in practice interventions in one area may have effects in another. Indeed, certain policies or policy areas could be said to straddle multiple areas depending on the point of view e.g. while many would class education as a social sector/key service activity, much development literature looks at it primarily in terms of its economic effects and it could also be said to have a range of potential political effects depending on its nature, quality etc.

b. Contexts and Implementation: I will also be looking at the context for action on discrimination – economic, social and political. The precise choice and shape of policy responses, including whether they do address all the areas listed above, will be informed by both the ideology, vision, and the motivation of the government that implements them. Combating discrimination or poverty may in itself be a policy goal; or such policies may be adopted as instruments to deal with social unrest or economic structural problems.

The ideological position of the government will also vary and affect the details of policy. For example, the degree of state intervention in various policy areas may vary

from minimalist approaches restricted to enacting anti-discrimination legislation and taking no action in some areas, to more interventionist social policies or even quasi-revolutionary socio-economic restructuring. Other determinants of the precise type of policies pursued in these areas might be whether the government favours precise targeting of policies to particular beneficiaries, or a more universalist approach.

Public policy is not solely the preserve of government. As Bebbington and McCourt point out, "An NGO or other non-state actor whose actions have developmental effects is effectively involved in 'public' policy' ".[9] State and non-state actors may interact in policy implementation in a variety of ways – indeed government policy may directly involve non-state actors in implementation, as in the IGVGD programme in Bangladesh discussed in section 2.3. While this paper will, simply for reasons of brevity, focus on government action and policies, the varying motivations that can be listed for adopting anti-discrimination policies point to the potential importance of social or economic factors and agents in particular contexts, and to the wider processes of change of which government polices are just a part. I will seek to highlight the role of these in policy formulation, adoption and implementation.

A particular concern of many in regard to anti-discrimination policies is the possibility of "perverse" social outcomes, where policies exacerbate social tensions and even become a factor in inter-group violence. I will touch on this and also on other ways in which contextual factors may result in policies not effectively improving the situation of those suffering from discrimination or chronic poverty.

2 Policies in Practice – Country Case Studies

In this section I will:

- discuss the outcomes of a range of policies, in terms of poverty and discrimination; and

- develop an analysis of factors in policy design and socio-political context for action that affect these outcomes.

2.1 South Africa post-apartheid

In post-apartheid South Africa, combating discrimination and discrimination-linked chronic poverty are firmly on the political agenda, and policies have been implemented in all of the key policy areas identified in Section 1. Perhaps the highest profile debate has been about government action in the area of economic resources. The "flagship" policy has been the Black Economic Empowerment (BEE) programme, an affirmative action programme encouraging black employment at the management

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9 Bebbington and McCourt, 2005, pp13-14

levels of business, tax breaks for black-owned businesses and black ownership of businesses. This programme has been the subject of considerable criticism: it is popularly perceived as benefiting a politically well-connected urban middle class, of uncertain competence in their new jobs, while leaving out the majority of the poor. Certainly it seems that while the ethnic composition of the elite has changed, that of the chronically poor has not. The "African" (i.e. black) share of the top income decile increased from 2% in 1975 to 22% in 1995. Although inequality as measured by the Gini coefficient has been decreasing since the end of apartheid, from 0.67 in 1991 to 0.57 in 2000, in 1999 52% of African people were still poor[10].

Government macro-economic antipoverty strategy depended on accelerated growth to increase employment, and enable both increased public spending *and* budget deficit cutting. But growth at the levels required to keep pace with population growth and increased labour force participation did not materialise. Unemployment increased, and budget deficit reduction appeared to be prioritised over key services programmes, leading to a fall in the size of the public sector[11]. Particularly notable in terms of chronic poverty is the high rate of long-term unemployment, "with almost eight in ten unemployed individuals having been unemployed for more than three years or having never had a job at all… extended periods of unemployment erode their skills or make their skills outdated, reducing their chances of re-employment even further"[12]. And, despite the promotion of a black business middle class, unemployment rates for those with tertiary qualifications remain significantly higher for blacks (18%) than for whites (3%)[13], suggesting perhaps that employers perceive an "inferior quality of education provided at historically disadvantaged tertiary education institutions"[14] such as are likely to be attended by black students. (Whether this is evidence of the persistence of racial discrimination in the labour market depends on how and on what basis these perceptions are formed.)

Discrimination and other processes of differentiation have interacted to produce outcomes which continue to be worst for black South Africans. Oosthuizen notes that "those worst affected by unemployment are African, female, poorly educated, and the young"[15]. While in many cases lack of educational attainment accounts for differences in unemployment and not directly racism, the inequalities in the education system and attainment for different social groups may well be to a large degree a product of the years of apartheid-sanctioned educational discrimination.

Government has responded to some of these criticisms with the new "*Broad Based Black Economic Empowerment*" Act (2003 – my italics), which explicitly targets

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10 Piron and Curran 2005, p15.
11 Kalima-Phiri 2005, pp10-11
12 Oosthuizen 2006 2006 p58
13 Oosthuizen 2006 p52
14 Oosthuizen 2006 p58
15 Oosthuizen 2006 p58

Indians and "coloureds", women, disabled people and those living in rural areas, and looks beyond management and ownership of large enterprises to support a greater range of economic activities[16]. Nevertheless, it appears that a greater impact on poverty and, indeed, black economic empowerment, has been made by the expansion of state social protection programmes – in particular the Old Age Pension, Child Support Grant and disability allowances.[17] While these programmes have no formal ethnic targeting mechanism – in that sense, they are universalist – the great majority of their beneficiaries are black, because eligibility is based on financial means-testing.

In some ways complementary to transfers of economic resources are policies to improve the performance of key services for discriminated against groups: they can transfer resources in terms of improved housing stock and the development of "human capital" through education and health. Policies have been adopted in these areas: however, again outcomes have been uneven and the policy content has been criticised by external studies such as that by the UNDP[18]. In some areas some progress was made, in others welfare expenditure was cut, or (e.g. education) spending increased but lack of support and detailed follow-through on implementation has meant outcomes are thus far disappointing[19]. In the housing sector in particular, government policies have been opposed by social movements claiming to represent the chronically poor, who broadly argue that these policies have favoured boosting the housing market above meeting the needs of the poorest[20].

In the area of legal rights, the post-apartheid South African constitution and laws make strong statements about the equality of all, and against all forms of discrimination. While state violence has declined dramatically, it does still exist, and from other actors there are still human rights abuses based on discrimination of a wide range of types[21]. Bodies additional to the legal system such as the Gender Equality Commission and Human Rights Commission are intended to help make these legal rights real, although they have taken some time to establish their role. At this stage it seems, perhaps unsurprisingly, that the experience of many people is that apartheid-era social power relations continue to seriously distort the realisation of legal rights, particularly in remote areas or for the poor and marginalised[22].

The extension of the franchise to include all South Africans has ended the exclusion of the black majority and non-white minorities from equal political representation, and black South Africans now constitute the majority of MPs. The focus of anti-discriminatory policies in this area has been the representation of women in the

16 Republic of South Africa 2003

17 for evidence of the poverty reduction impacts of these programmes see: Republic of South Africa 2002; Samson et al 2004; Woolard 2003; Barrientos and Holmes 2006

18 UNDP 2003, summary p6 quoted in Piron and Curran 2005, p21

19 Piron and Curran 2005 pp20-23.

20 McKinley and Verivia 2005

21 South African Human Rights Commission

political system. No legislation has been passed but following sustained pressure from the grassroots women's movement, the ANC has encouraged parties to set quotas for women's candidature for election, and itself adopted a 30% quota for women on the ANC party list prior to the 1994 election. After this election, 24% of MPs were women (previously the figure had been 4%), and this rose to 29% in 1999[23].

This appears to have been a sufficiently large intake to have had some positive outcomes in relation to the politics of chronic poverty. Notable is the women's budget initiative (WBI), whose analysis of public spending has consciously focussed on impact of government programmes on women in poverty, rather than trying to get more (necessarily elite) women into the top end of the civil service[24]. However, some commentators have also pointed to the increasing distance between the grassroots women's movement and the new MPs, and indeed the loss of capacity in the grassroots movement as many key figures became MPs, taking on new roles, heavy workloads and often geographical relocation[25].

Assessing the overall context for anti-discriminatory change, the role of social movements is clearly central. The end of apartheid was largely a product of the remarkable activism of the 1980s; since then, the women's movement is just one of several that continue to exert pressure on policymakers. Another interesting point is the possibility for policy change offered by the political space that the new ANC government had in 1994. Domestically it had space to manoeuvre, representing as it did a clear break with the previous regime and thus having no constraining responsibility for the existing policy: much existing policy was potentially open for discussion and change. ANC members also had strong links to the wider social movements. This contact with grassroots activists and willingness to consider change has been mentioned by a participant in the WBI[26]. (Of course it must also be noted that it was subject to enormous popular expectations, particularly in regard to ending chronic poverty and improving living standards.) Internationally the picture is more complex; the regime points to the demands of international investors to deflect domestic criticism of the weakness of the redistributive economic and welfare policies.

Contemporary South Africa illustrates powerfully the scale of the challenge of eradicating the impact of decades of discriminatory policies. The new government's focus on growth and opening up opportunities for a black elite, and the "technicisation" of poverty reduction as a matter of service delivery, rather than a process of political and social change, has been noted with concern by many from

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22 Human Rights Watch 2001
23 Geisler 2000, p627 footnote 1, Piron and Curran 2005 p17
24 Budlender 2001.
25 Geisler 2000.
26 Budlender 2001 pp338-9

the social movements and organisations that helped put it in power[27]. Continuing high levels of inequality and poverty illustrate the differences between addressing some practices of discrimination in a society, and empowering the chronically poor.

2.2 India: reservations for Scheduled Castes and Tribes

The Indian state has for 50 years pursued policies across the legal rights, economic, key service (education) and political areas of reservations for discriminated-against social groups. There are various provisions covering members of the Scheduled Castes or dalits (formerly the "untouchables"), people of tribal ethnicity – "Scheduled Tribes", and women. The Constitution forbids the practice of "untouchability" and, more recently (1989), a "Prevention of Atrocities Act" was passed to specifically protect members of Scheduled Castes and Tribes against violence from other groups. Quotas for SC/ST representation in government employment, tertiary education and legislative bodies at all levels have been in operation for 50 years, with quota levels set proportionate to the SC and ST shares of the population. Quotas for women have also been in operation, set at 1/3 of available places in each area.

There have been some notable achievements. These range from a substantial increase in the number of SC and ST people in government employment in areas where reservations are mandatory (whereas much less where they are voluntary)[28] to more symbolic but potentially culturally important achievements such as the first dalit President in 1997 (K R Narayanan). However, these policies have failed to have a significant impact on the poverty of these groups relative to the rest of Indian society. From 1983 to 2000, poverty for SC people in rural areas fell very slightly slower, and for ST people clearly slower, than that for other Indians[29]. By 2000, although poverty overall had fallen, the disparities between poverty rates for SC and ST people and others had increased slightly from 1983 (1.57 to 1.67 for SC, 1.73 to 2.12 for ST)[30].

These policies have been implemented in a context of profound social resistance, and there has been a failure to transform the attitudes and perceptions of the majority of the population. (It is noteworthy that some of the most intense resistance has come from lower-caste, but non-dalit, groups who perhaps feel most threatened by the potential rise of the dalits[31].) In the education sector, for example, in some cases special colleges for dalits are under-resourced and stigmatised by caste Hindus[32]; then there are instances of caste Hindu students rioting or setting themselves on fire in protest at dalit admission to good quality institutions[33]. Overall many thousands of

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27 IDASA 2004, pp8-9

28 Alexander 2003, pp15-19
29 Thorat and Mahamallik 2005, Appendices 7-10
3030 Thorat and Mahamallik 2005, Appendices 4-6.
31 Human Rights Watch 1999, Ch3
32 Jeffrey et al 2004
33 Alexander 2003 p14; Human Rights Watch 1999, Ch3 footnote 52.

cases have been reported to police under the Prevention of Atrocities Act, often of extreme violence resulting in death or disfigurement. There is evidence to suggest that this resistance and violence may in part be a "perverse indicator" that real change is possible, in that those more powerful fear genuine loss of their privileges[34]; however, this is scant consolation for those suffering it. That no more than a small minority of these cases have been brought to trial[35] suggests that change has yet to make significant impact on social power structures, that of course permeate the very justice system which is charged with challenging them.

The political economy context is also challenging to reform. Patronage networks are powerful and self-reproducing, and for many years SCs and STs were more often incorporated into the political system as relatively powerless "vote banks" rather than through organisations that they controlled. More recently dalit political parties have been growing in size and strength, and dalit politicians have emerged. However, while the promotion of a more diverse middle class is sometimes cited as one of the successes of India's policies[36], and may be important in the longer term, some contend that middle-class capture of the benefits of reservations has denied benefits to the chronically poor. The categories for SCs and STs are internally heterogeneous, comprising c167 million and c86 million people respectively[37], and it is popularly argued that a small "creamy layer" of those with pre-existing connections has benefited disproportionately from anti-discrimination policies[38]. However, there is a clear income gap between them and the yet more heterogeneous recently-created category of the "Other Backward Castes" (OBCs), who in some states constitute the dominant sector of the population[39].

2.3 Bangladesh: leprosy care mainstreaming; women's development programmes

Two studies of policy responses to discrimination and chronic poverty in Bangladesh illustrate aspects of change in the area of attitudes and perceptions. Programmes mainstreaming the care of leprosy patients, and integrating this with work on improving leprosy sufferers' access to economic resources, appear to have shown some success in changing attitudes. Leprosy sufferers often suffer from severe stigmatisation and chronic poverty.[40] A programme of moving care of leprosy sufferers from separate clinics to mainstream health centres was introduced, coupled with a public education programme about leprosy; the interaction between this and socio-economic "rehabilitation" programmes has also been studied.[41] Certain

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34 Human Rights Watch 1999, Ch10 esp "Maharashtra Case" of Shiv Sena attempting to have the Prevention of Atrocities Act repealed.
35 Human Rights Watch 1999, Ch10.
36 Alexander 2003, pp15-16; Piron and Curran 2005, p25
37 Thorat 2005 p2
38 Alexander 2003, Louis 2003
39 Piron and Curran 2005 p26
40 Kaur, H and van Brakel, W 2002, pp334-5; Jenks 2003
41 Jenks 2003

features of public education appeared important: direct contact between sufferers and non-sufferers, both as part of explicit public education programmes and in everyday situations; and targeting "grassroots opinion formers" such as traditional healers or imams for public education. These latter had been responsible for spreading exclusionary attitudes, including that leprosy sufferers were cursed and being punished for sins; it was felt important to involve these same, evidently effective channels of information in the promotion of inclusionary attitudes The alternative approach – media campaigns, official pronouncements etc – can produce a tension between what people perceive as a "politically correct" narrative and the informally reproduced attitudes that may influence their behaviour more. Where public education had been carried out at a grassroots level and in coordination with socio-economic programmes, the latter appeared to perform better.[42]

In contrast, the Vulnerable Group Development (VGD) Programme, which is focussed on women in poverty, partly owes its existence to changes in the political context and in perceptions of women and poverty following the war of independence in 1970-71 and a major famine in 1974[43]. The famine precipitated a series of coups which ended with the establishment of a military government under General Zia in 1975. Women also took on new socio-economic roles during the famine, driven by desperation to find work. The vulnerable status of women had already become a political topic following the war of independence, during which an estimated 200,000 women were raped by Pakistani forces. These events became politicised in the concept of "political motherhood", with "destitute mothers" as "symbols of the sacrifices made to give birth to the new nation".[44] Women's specific experience of poverty and vulnerability were in this way established as important political issues.

The VGD programme, which combines social protection elements (a monthly food ration) with income-generation training, was a significant step in establishing a public obligation to address these issues through transfers of resources. Its ability to challenge discrimination in both the economic and attitudinal spheres is limited by its dependence on local elites, who may skew the selection of beneficiaries for electoral reasons, or in line with often patriarchal notions of who is "deserving": other organisations in Bangladesh (e.g. the Nijera Kori movement) are taking women's empowerment further through more radical action. However, evaluations of the VGD indicate several positive impacts for beneficiaries, including a slight rise in income and income diversification and "a rise in dignity and social status in the community";[45] and elite support has been important in helping the programme survive for more than 30 years.

2.4   Malaysia: New Economic Policy

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42 Jenks 2003, pp20-22

43 This study of the VGD derived from Hossein 2005.

44 Hossain 2005: 10

45 Hossein 2005. 5

In Malaysia, the government adopted the "New Economic Policy" in 1971, with an explicit goal "to accelerate the process of restructuring the Malaysian economy to correct economic imbalance, so as to reduce and eventually eliminate the identification of race with economic function", and to eradicate poverty. The majority of poor people at that time were ethnic Malays, who mostly lived in the rural areas. The NEP set targets for Malay ownership of companies and employment in different sectors, made support available for Malay businesses and developmental economic programmes targeted at the very poorest households. It was combined with investment in health and education services in rural areas and tertiary education quotas for ethnic Malays. By the 1990s the ratio of ethnic Malay/Bumiputera incomes to ethnic Chinese incomes had improved, although it was still unequal: however, poverty had been reduced very substantially[46].

This can certainly be seen as an example of the kind of success possible by pursuing an integrated policy programme across different areas. However, other factors played a part. Redistribution in favour of the Malay majority occurred in a context of sustained rapid economic growth. This both created resources for public investment and probably helped minimise tensions between the Malay majority and the Chinese and India minorities who were not beneficiaries of the NEP: poverty fell and mean incomes grew among all ethnic communities of Malaysia over the NEP period[47].

The socio-economic context of the programme were the persistent inter-ethnic (and to some extent urban-rural) income inequalities. Ethnic tension became politicised, and finally a trigger for government action on May 13th 1969 when, following electoral gains for Chinese and Indian dominated opposition political parties, large-scale ethnic Malay anti-Chinese riots left almost 200 dead. After some internal struggles, the Malay-dominated government initiated the NEP in 1971, rebranding itself as the "National Front" (Barisan National). "May 13th" still resonates in Malaysian politics, and the riots appear to have been a severe shock to "business as usual" that convinced a faction of the elite that successfully realising a developmentalist vision for Malaysia was contingent on inter-ethnic peace, and that this in turn could only be delivered through eliminating Malay economic grievances by genuine poverty reduction. It is notable that, unlike in neighbouring Indonesia, the 1997 economic crisis was not accompanied by large-scale outbreaks of violence against Chinese Malaysian people and their economic interests.

Malaysia's first-past-the-post electoral system has produced substantial parliamentary majorities for the Barisan National in every election since 1971 (with actual vote ranging from 40-60%). The dominance of ethnic Malays in government and in the population (c2/3), coupled with the events of 1969 and authoritarian controls on freedom of expression may have served to check potential dissenting action among non-Malay communities. However, there is protest among indigenous

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46 Yusof 2005
47 Yusof 2005, p3.

forest peoples who feel their wishes are excluded from the government's agenda[48], and the persistence of vertical inequalities may suggest policy change is needed[49].

2.5 Ecuador: indigenous people's social movements

One feature of recent Latin American politics has been the increasing importance of indigenous people's activism and social movements. In Ecuador, sustained campaigning by a national indigenous people's movement and local groups has achieved some shifts in the balance of power which may help in combating both discrimination and chronic poverty.

In the area of legal rights at a national level, this included the passing of the Agrarian Development Law in 1994, which set out a process for indigenous people's to claim land rights, and constitutional reforms in 1998 which ratified ILO Convention 169 on the rights of indigenous peoples. At a local level, realisation of legal rights in the coastal north-west was helped by the provision of training for "paralegals" through the USAID/CARE "SUBIR" project. This project involved institutional and financial support for a number of indigenous Chachi people's and Afro-Ecuadorian organisations based around the Cotachi-Cayapas Ecological Reserve. An example of the impact of this is the case of the mining company STIC SA, which in 1991 was granted a mining licence for land settled by indigenous and Afro-Ecuadorian communities, none of which had been consulted. Regional organisations from the two communities combined to mount a successful legal challenge to the licence.[50]

Prior to the 1998 constitutional reforms, the Shuar people in the Amazon region had established a degree of autonomy under the Ecuadorian state, which includes running schools, economic and health projects, and having special terms for military service to make it compatible with their traditions and identity. The Shuar jungle combat unit is reportedly very effective, suggesting some success in resolving potential conflict between Shuar and Ecuadorian identities[51]. The state had begun attempting to "civilise" the Shuar from the 1940s, through encouraging the work of missionaries, and extending education provision in an attempt to draw the Shuar into "mainstream" Ecuadorian society. However, it was a movement of Shuar students in the early 1970s, able to make their case in the technocratic language of development, that began the process leading to their protected autonomy today. It could be said that the Shuar went from self-exclusion into a period of unequal incorporation, but were then able to use education to renegotiate the terms of their incorporation by agreement with the state (the actor chiefly responsible for their incorporation) through activism.

These successes in realising legal rights – and through and with them improvements

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48 Rengah Sarawak multiple references at http://www.rengah.c2o.org/

49 Yusof 2005, Piron and Curran 2005.

50 Janet 2003, pp23-25

51 Iturralde 2001, pp5-7

in the areas of key services, economic resources and attitudes and perceptions – must be seen in the context of prolonged and intense struggles over political representation. Ecuadorian politics since the 1990s has been characterised by increasing national-level mobilisation of the indigenous population through the CONAIE organisation, notably through a series of popular "uprisings" (which perhaps reached their peak in an indigenous/union/military uprising that toppled the President in 2000) and the first participation of indigenous representatives in the national electoral process in 1996. Despite some success in obtaining participation of its representatives in the legislature and government, the organisation has remained dependent on popular protest to keep its concerns on the agenda. It has also grown to include non-indigenous minority groups and representatives of many (often rural) communities who feel marginalised economically or politically.

Nevertheless poverty is still widespread among the indigenous population of Ecuador. There has been a fall in many forms of racial discrimination[52], as indicated by indigenous people abandoning practices of hiding their identity - and indeed using it as a political tool - but prejudices based on cultural difference (or perhaps simple poverty) remain. A recent World Bank study noted that, across Latin America, some improvement in key services for indigenous people had yet to impact significantly on levels or rates of indigenous poverty. However, it also noted that indigenous people in Ecuador seemed to be less affected by wider economic problems than many across Latin America[53].

Indigenous people's organisations have now become significant political actors in Ecuador. This has yet to elicit a comprehensively positive response to their demands. Problems of chronic poverty remain: of course there are macro-economic as well as political factors involved in indigenous chronic poverty, and which contribute to chronic poverty among the non-indigenous population also. But it is reasonable to conclude that indigenous people have a better chance of sharing in any opportunities to escape chronic poverty than they did two decades ago.

2.6   Uganda: universal education, gender and indigenous people

In the area of key services in Uganda, the policy of Universal Primary Education has had a positive impact on access to education for girls. UPE was a plank of the National Resistance Movement's election campaign in 1996 and was implemented in 1997 – initially allowing four children per family free primary education, but since extended to all children. One of the explicit objectives of the policy was to "make education equitable in order to eliminate disparities and inequalities"[54].

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52 Ibid p14
53 Hall & Patrinos 2005
54 Bategaka et al 2004, p30

Total primary enrolment more than doubled between 1996 and 2002, and the ratio of girls to boys enrolled increased from 0.87 to 0.96 between 1997 and 2001.[55] It may also have increased access to education for other groups likely to suffer from discrimination. Respondents to a Ministry of Education and Sport survey, which included teachers, parents and pupils, saw UPE as "giving an opportunity without discrimination to disadvantaged children, for instance, those from poor families, girls, orphans and those with displaced parents"[56]

It should however be noted that there are serious concerns over the quality of the education provided and the ability of Uganda's school system to cope with the influx of new pupils. Also, girls have a higher drop out rate than boys; and these statistical measures "do not take into account the institutionalization of gender-bias that is reflected, for example, in curriculum and teaching methods"[57]. In summary, the results are impressive, but should not be taken to suggest that gender parity has been achieved nor that attitudes and perceptions of girls' education have been revolutionised. Rather, the policy has lessened pressures that forced parents to choose between educating boys or girls, and thus increased opportunities for girls, which may well benefit many individuals directly. This may produce attitude change over the longer term, as Ugandan society gains more educated women, some of whom may also become active agents for further change.

The drive for wider education coverage has incorporated other innovative approaches such as Alternative Basic Education for Karamoja (ABEK), a joint project of the Ugandan government, UNICEF and Save the Children– Norway (SCNU). Karamoja is a remote rural region in north east Uganda, mainly inhabited by nomadic pastoralist groups collectively referred to as the Karamojong. For decades the Karamojong were labelled a "problem" by central government, and under Amin subject to "pacification" in the form of military repression. Health and literacy indicators in the region are among Uganda's worst. ABEK aims to make formal education more accessible to children of the nomadic Karamojong pastoralists, and respond to fears among Karamojong adults that the education system was discriminatory and designed to alienate children from their culture. It involves training Karamojong teachers who travel with their class, conducting classes in local languages, and a timetable and curriculum adapted to fit with the children's experience and responsibilities e.g. as cattle herders. There has been a dramatic rise in the number of Karamojong children (and adults) attending primary education. Although the impact on transfer to mainstream primary and secondary education is thus far limited,[58] this may be as much a reflection of the shortcomings of the mainstream system as any failing of ABEK itself. Studies of the deeper impacts on the life chances and choices, poverty and livelihoods, and their experience of

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55 Bategeka et al 2004, p74
56 Ibid pp46-7
57 Murphy 2003, p13.
58 SCNU 2003; MRG 2001

discrimination, are not yet available.

2.7   Cuba: universal education and ethnicity

Black Cubans were subject to "many kinds of discrimination"[59] at the time of the 1959 revolution. The new Cuban government's policy response to this comprised several strands:

- enactment of specific anti-discriminatory legislation

- broader economic and social policy based on an egalitarian development model – universal free health care, primary and secondary education including special provision for "slow learners".

There was little in the way of race-directed "affirmative action", as "the authorities insisted that the needs of blacks would be met as part of the working class … the government also suppressed discussion of race issues"[60]. The strong new state took control of economic and social policy, flattening wage structures and mobilising the population behind the creation of education and health systems. By the 1980s, life expectancy for black Cubans was 70, just one year behind that of whites; in comparison, life expectancy for black US citizens was 68, six years less than that for whites. A similar pattern was evident in distribution of occupations (parity between blacks and whites in Cuba at almost all levels) and educational achievement.

In addition to the implementation of universalist egalitarian policies, there were further contextual factors:

- an exodus of high-earners following the revolution which created massive job/career opportunities

- a history of self-advancement and education social movements among the Cuban black population

However, this data relates to the 1980s. More recent assessments suggest that, following the economic crisis of the early 1990s and the gradual opening up of the Cuban economy to the international market, black Cubans are losing their gains as Cuba becomes an increasingly unequal society[61]. This casts doubt on how sustainable the government's challenges to pre-existing power structures and social attitudes have been.

2.8   Gender Equality in Kerala?

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59 Meerman 2001, p1471.
60 Ibid.
61 Meerman 2001, pp1476-7; Gasperini 1999, p23

Through a sustained universalist commitment to health and education, the state of Kerala improved education and health indicators for both women and members of SCs and STs, reaching people suffering multiple layers of discrimination. Improvements in female literacy, maternal mortality and the survival rates of girls from the first half of the 20th century to present are impressive. These occurred in the context of low economic growth, but a state with a public and historically longstanding commitment to social policy (including the state of Travandore-Kochin which predated the emergence of Kerala at independence) and a matrilineal inheritance system which put social and economic power in women's hands.[62]

However, some studies suggest that recent social change, such as the spread of the practice of dowry payment from northern India, is reversing some of these trends.[63] Others point to continued concerns over the level of domestic violence, and also believe that women's high participation in higher education can be partly explained as a consequence of the difficulty they experience in finding employment relative to men.

Rajan et al note that "we do not want to detract from the substantial achievements of Kerala state, or to paint a pessimistic picture of women's future"[64] – rather, they intend to point to recent declines in indicators and "to warn against complacency".[65] Others note that the decline they point to is in relative, not absolute, indicators.[66] But these studies are important in highlighting both the complexity and multi-dimensionality of discrimination and social norms, and the constantly shifting and heterogeneous nature of societies and power relations. Talk of "a generalised social commitment to female domesticity in Kerala"[67] suggests that, while gender-related boundaries on women's behaviour may have moved, they remain strong; and again, while women's status and power has increased, equality with men is not yet achieved. This is not to play down the significance of the very real benefits many people in Kerala have gained from this progress, but merely to be clear about what forms of discrimination remain to be tackled.

Achievements in one policy area are a) always partial and b) cannot be read simply as indicators of achievements in others – thus good access to education does not necessarily translate into good access to economic resources or equality in the labour market. And societies, which are heterogeneous and do not exist in isolation, are always subject to change: while anti-discriminatory or anti-poverty achievements will condition the impact of other influences, it is still possible for achievements to be lost or gains reversed.

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62 Krishnan 1997

63 Irudaya Rajan et al 2000, Kodoth and Eapen 2005

64 Irudaya Rajan et al p1091

65 Ibid p1091.

66 Basu 2000.

67 Kodoth and Eapen 2005, p3285

3 Observations and Conclusions: Policies, Contexts and Outcomes

In this section, I will offer some observations on how and when policy responses to discrimination might combine with combating chronic poverty. I will first suggest how an analysis of chronic poverty and discrimination in terms of power relations is a helpful explanatory tool, and then go on to look at the development of and outcomes from anti-discriminatory policies in different contexts. Finally, I will return to the categorisation of policy areas outlined at the beginning of the paper to look at some possible ways forward in the light of the preceding discussion.

However, it bears repeating that there is no one obvious lesson or "magic toolkit" that can be guaranteed to eradicate discrimination and related chronic poverty: the following pages are a contribution to the debate rather than an attempt to assemble such a kit. When researching this paper, the frequent persistence of discrimination and chronic poverty, not only in the "developing" but also the "developed" world, was clear (e.g. continued racial disparities in social and economic indicators in the US and many EU countries). The variety of historical processes which have produced contemporary societies, and the specificities of economic, social and political structures and cultural variation, was also striking: all of these will affect the impact of particular policies. The section on policy lessons below should be read as a menu of suggestions drawn from the case studies and literature reviewed for this paper, that policymakers must interpret in the light of a thorough understanding of their own context.

3.1 Discrimination, poverty and power

In the introduction I briefly discussed the interrelationship between discrimination, poverty, socio-economic structures and attitudes and beliefs; also the various areas in which policy might operate to address discrimination. Concepts of power can be useful in connecting analysis of different anti-discrimination policy areas and people's experience of chronic poverty. Discussing women's empowerment, Naila Kabeer characterises "power" as "the ability to make strategic life choices". Such an ability clearly depends not only on personal attributes but on society: both in shaping the range of possibilities that can be chosen, and in shaping people's own desires through socialisation into particular norms of behaviour, as noted in section A of this paper.[68] Discrimination can be seen as one factor that influences the distribution of power – the ever-shifting picture of all relationships in a society. Power is relational and thus context-specific: power in one area may translate into power in others, but

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68 Kabeer 1999 pp2-12

not necessarily (e.g. the ethnic Chinese population in Malaysia, who can be roughly characterised as having economic but not political power). One should not speak of a given group or person having x amount of power, but only of the power relations between one actor and another. Chronic poverty could be narrowly viewed as a long-term extreme lack of economic power, but an appreciation of the multi-dimensionality of both the experiences and causes of chronic poverty – asking the question, *why* has this lack of economic power persisted? - suggests that people suffering chronic poverty are likely to lack power in other areas too.

The ICHRP report on racial and economic exclusion identifies historical roots, economic interests and entrenched attitudes as principal obstacles to addressing discrimination, and the five policy areas used in this paper to categorise policy responses as areas through which these obstacles could be overcome.[69] These help highlight the different ways in which power is created and reproduced, and how the distribution of power in a society can be changed.

Much change may come about independently of policymakers' direct intentions, of course; economic or environmental change may offer new opportunities or threats to various groups in society, although not in isolation from pre-existing structures and processes. Also, policy in one area can affect the distribution of power in multiple ways. The enactment of legal rights or a policy on discrimination may change attitudes and perceptions in society, even if the rights or policy are poorly implemented and also encounter resistance and reaction from some sections of society. Attitude change can create opportunities for discriminated-against groups to use new social power to achieve other changes in their favour. Such changes may be easier to achieve where groups have already begun to create their own political power by organising collectively. Social movements have often been important in improving the balance of power for people lacking in economic power and suffering from discriminatory attitudes.

A particularly important point, which can be drawn out from the case studies presented earlier, is that power relations of course exist at intra-group (and indeed intra-household) levels. Power disparities can be particularly significant for understanding the impact of policies. India's "Scheduled Castes" comprise c170 million people from hundreds of sub groups – the same policy instrument (e.g. reservations for seats on gram sabhas), directed at the Scheduled Castes in general, is likely to have different impacts for different sub-groups, or indeed individuals within them, and in different situations. Combating discrimination may have many benefits (e.g. reducing violence in society or improving economic performance). But for it to work to address chronic poverty anti-discrimination policy should integrated into a wider strategy aimed at producing a more equitable distribution of power in society,

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69 ICHRP 2001: the areas being legal rights; political representation; economic resources; key services; attitudes and perceptions.

and be designed bearing in mind the possibility of the capture of benefits by the relatively powerful at all levels.

3.2   Contexts, processes and outcomes

There is at least a strong correlation between policy change and action by discriminated against people. In some cases action is taken by civil society organisations - social movements, NGOs etc, whose tactics may include electoral mobilisation, lobbying or mass protest including violent confrontation. They change the context in which policies are designed and implemented by changing the distribution of power: they may be able to monitor and police implementation in a sustained way, or even gain formal political power themselves. In others, action from the discriminated against is less organised and sustained, but nevertheless changes the political and social context of policy e.g. the May 13th 1969 riots in Malaysia.

This appears to be a factor influencing elite motivations for introducing anti-discriminatory or anti-poverty policies. In the terms developed by Albert Hirschmann, they might be said to change problems of discrimination, poverty or inequality from "choice problems" (problems that elites can choose whether or not they want to address) into "pressing problems" (problems that are perceived as urgent). Elite responses may be policy introduction or, more dramatically, internal coups (Bangladesh, Malaysia to some extent) or negotiation with representatives of discriminated against groups (South Africa in the transition from apartheid). In some cases policies are introduced when a new elite comes to power that can be said to represent the discriminated-against group to some extent – Brazil under the PT has been suggested as such a case,[70] while post-apartheid South Africa is perhaps the most obvious example.[71]

The accession of a new government to power creates a political context in which change in favour of previously less powerful groups has taken place. Reflecting on the Women's Budget Initiative in South Africa, Debbie Budlender comments that the ANC regime exhibited an openness to change and new ideas in general, perhaps resulting from the regime's clear lack of association with any existing policy.[72] An incumbent government may find major policy changes both publicly embarrassing and unattractive due to the resultant likelihood of difficult confrontations with existing supporters or vested interests in existing policies. A new regime may feel it has a mandate and the power to take on such interests.

A particular concern is the possibility of increased discrimination and social resistance from such interests, or those who perceive themselves as outside the target groups more widely – "perverse outcomes" of anti-discrimination policy. The

70 Piron and Curran 2005 pp5-8

71 Such cases are not necessarily anti-discriminatory in outcome – the post-colonial history of Rwanda (from the massacres of the early 1960s to the 1994 genocide) displays a particularly tragic set of outcomes of the representatives of a discriminated-against majority gaining power.

72 Budlender 2001, pp338-9

power of cultural conceptions of identity, and identity insecurities related to social change can produce negative reactions, such as violence against dalits in India, or controversies in the US - e.g. in 1996 California outlawed affirmative action. (Such reactions appear particularly strong in relation to higher education, perhaps reflecting its perceived value as an entry point into the elite or simply as a limited resource.)

As noted in section A, discriminated-against people may have good reasons to strategically work with their unequal position. Involving them in the process of policy design may help avoid forcing them into confrontation with those who will lose from anti-discriminatory policies. Doing this effectively may itself be a difficult and time-consuming political task – they may feel too intimidated to openly participate in public policy consultations, for example, or simply not participate because of low expectations of the policy process. A recent report describes a process of increasing effective participation by shanty town dwellers in health service delivery in the capital of Madagascar, where it took six years of local organising and research before the external activist felt that direct meetings between local people and medical professionals would have a chance of leading to more equitable power relations, rather than simply reproducing previous patterns of mutual mistrust and the professionals' dominance.[73]

However, in Malaysia, there was little backlash from the Chinese population. This may be explained in a number of ways: a) the benefits of rapid economic growth were spread widely and all social groups saw living standards rise substantially and poverty decline, with little consequent feeling of economic insecurity to fuel social tensions; and/or possibly b) many Malay Chinese people were keenly aware of their vulnerable status as a minority and the violence they had suffered in 1969 when attempting to publicly improve their political position. Indeed, while the Chinese were not as a group poor, the May 13th riots in Malaysia are an example of a majority backlash against change in favour of a minority. South Africa offers another example again. A white minority, building on military and colonial conquest, successfully resisted majority rule and kept the balance of power in their favour for decades. Many white South Africans may be unhappy with the new regime, but their minority status and shifts in the distribution of power in society may have constrained their capacity and/or willingness to actively resist.

Perhaps, then, a crucial factor in relation to social resistance to anti-discriminatory policies is whether the distribution of power in society clearly favours the target group. In terms of simple demographics, any majority group has potential power, but realising this power will depend on levels of organisation, group consciousness and political cohesion, and access to resources that will vary considerably from one situation to another. While the form or negative reactions may be related to the particular anti-discriminatory policy and to other contextual factors (e.g. rapid growth

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73 Godinot and Wodon 2006

in Malaysia), the question for policymakers is how to manage resistance rather than how to avoid it entirely – the latter being an unattainable goal. Basic political analysis suggests that all change produces "winners" and "losers", and some form of reaction from the losers is always to be expected. The importance of having an effective strategy for dealing with this is shown by the truly horrific nature of some of the reactions to change in favour of Scheduled Caste people in India: the Prevention of Atrocities act was arguably several decades overdue and, as noted above, suffers from poor implementation, itself a facet of social resistance.

Without engaging in detail with the debate on growth and poverty reduction, it is clear that, in Malaysia at least, economic growth did create resources to fund redistribution. However, in the context of contemporary debates about growth, liberalisation and the state, it is crucial to remember that the state played an active role both in directing economic development (including quota systems to promote ethnic Malay involvement) and implementing strongly redistributive social policies: not policy options that are always associated with the growth agenda today. In the 1990s, South African policymakers appear to have felt that more neo-liberal policies and choosing balanced budgets rather than social spending were important to ensure investment. It may be that an enabling international environment, in particular an investment climate that allows for policy flexibility, would be positive for implementing an integrated programme to combat discrimination against chronically poor groups.

3.3 Policy areas – suggestions for design and implementation

Having considered these contextual issues, I will now look more closely at the various fields of action identified in the opening section of this paper.

The case studies in this paper, particularly when looking at *key services* and *legal rights*, have highlighted that legislation and policy is just a tool and depends on people to use it – this means not just state employees, but social movements and indeed people more generally. Widespread attitudes and/or interest groups can stop these tools being used; see, for example, the low prosecution rates under anti-atrocity legislation in India. However, support and "capacity building" for people at the grassroots can make a difference, as shown by the case of the training of paralegals and provision of legal aid to indigenous groups in Ecuador that made legislation suddenly meaningful. In some cases this may run counter to elite instincts and, to governments, appear to amount to offering capacity-building assistance to the opposition. Yet if elites wish to eradicate chronic poverty and discrimination, resistance from existing vested interests must be overcome (see further discussion under economic resources below) and the building of new political, social and economic alliances and the redistribution of power must be taken seriously.

There is a considerable literature on the impact of various state services – health, education, etc - on poverty, or on various dimensions of the lives of people in

poverty. There is no need to attempt an overview of this literature here: however, it is interesting to note some of the evidence on the interaction of discrimination and education. In the case of women in Kerala, or young dalit men in rural Uttar Pradesh[74], increased educational achievement has not led to better employment. In the study of Uttar Pradesh, enrolments in higher education had begun to fall among the sub-caste in question, and on the short-term criterion of improving their economic position the educational expansion appears to have failed. However, it will be important to watch the longer term developments from a growing "culture of resentment"[75] among these frustrated graduates. If the adoption of "new notions of dignity distinct from caste"[76] and frustration with the limited agenda of the dalit party BSP become stronger and more widespread, this may produce greater political assertion from dalit people in the area.

For effective implementation of anti-discriminatory policy, as well as the obvious point that state capacity is a prerequisite, it is of particular importance is that state apparatus is not itself discriminatory. Where discrimination is a factor in poor people's access to services, work on wider cultural norms may play a crucial role alongside more narrow forms of training and organisational reform. This means addressing both unconsciously exclusionary institutional features and pervasive and conscious discriminatory attitudes among state employees e.g. teachers, doctors or nurses, and "street level" bureaucrats (which will be discussed further under attitudes and perceptions below).

A focus on poverty in addition to discrimination in policy design is important, given the existence of intra-group power relations and the internal heterogeneity of discriminated-against groups. One important implication of this is that in the area of ***economic resources***, reservation or quota policies do not necessarily tackle chronic poverty. They may have a role to play in changing social norms and discrimination over the longer term; but they necessarily offer opportunities for more favourable incorporation into economic institutions to just a limited number of individuals. Ongoing and unchanged socio-economic processes and structures may continue to keep people trapped in chronic poverty, while those among the discriminated-against group who were most powerful may benefit. Few of the chronically poor will have the requisite qualifications or specialised experience to quickly take up more powerful positions. Even where they are relatively established, they may be inadequate: in the United States between 1980 and 2000, despite the existence of civil rights legislation which promoted affirmative action, the proportion of the black population living below the poverty line increased from 24% to 33%, while white poverty remained constant at 10%.[77]

A universalist approach to policy might look at what economic opportunities would be

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74 the following observations are drawn from Jeffrey et al 2004

75 Jeffrey et al p982

76 Jeffrey et al p983

accessible to the chronically poor, which would include discriminated-against groups - this could mean a shift to supporting micro-enterprises, as in South Africa, or access to the labour market – although it would be important that such support should seek to improve the terms of incorporation of chronically poor people into the economy rather than keep them where they are now. It might also mean social protection including cash transfers and other forms of resource provision and indirect financial assistance through key services such as subsidised housing, free water and healthcare.

Such social policies can be targeted at specific groups who suffer discrimination. Researchers investigating the impact of pensions in southern Africa note that the newly universalised pension scheme in South Africa had increased the socio-economic power of older people – although it had also increased other family members' pressure on them to redistribute their new income[78]. Another example is the provision of free public child care to enable women to go out to work (this of course begs the important question of how much power the terms of women's employment permit them to gain[79]). An analysis of women's workload in terms of a "triple role" – productive, reproductive and community work - highlights what interventions mean to women who have to manage all three roles simultaneously. Interventions affecting one role will impact on women's ability to fulfil the others, [80] and thus opportunities that look superficially attractive may in fact be very difficult for women to take advantage of. Thus, while in many countries women's participation in the labour force has risen over recent decades, the picture is far from uniform and social norms that allocate domestic care duties to women may still be preventing many women from entering the labour market,[81] or, in some circumstances, merely intensifying women' workloads.[82] Lack of public childcare provision may also have this effect, or, in some cases, lead to older children being taken out of school to cover domestic duties for their working mother[83]. In recognition of this, India has long had a commitment to universal pre-school facilities - although, whilst progress has been made, coverage remains partial[84].

The Indian case suggests another point for policymakers to consider – the greatest resistance to policies designed to support discriminated-against groups may well come from those who are "structural neighbours"[85] rather than those most powerful, whose position in power structures is relatively secure. Paying attention to mitigating potential adverse impacts, and also the perception of such potential impacts, among the vulnerable non-poor, may be an important part of minimising the social tension

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77 ILO 2003, p67.
78 Sagner 2000, p548, cited in Hickey at al 2006, pp29-30.
79 ILO 2003
80 Bolt and Bird 2003 pp34-6
81 ILO 2003, Annex 3
82 Kabeer 1999 pp30-34
83 Villar, Pereznieto and Jones 2006, p9
84 Grown and Rao Gupta 2004, p58
85 Human Rights Watch 1999, ch3

generated by anti-discriminatory change.

Reservations or quotas for *political representation* may be more effective as tools for empowerment, addressing as they do public rather than private power. However, there are still problems; in some cases representatives of discriminated-against groups may face dominant group resistance and find that they are "tokens", prevented from exercising real political power. And also, as the ICHRP notes, "in general, their [discriminated-against groups'] leaders will not be less corrupt or more selfless than political authorities in wider society"[86]. Such policies should be designed with an analysis of the capacity of both the newly elected representatives to deal with their new roles in a system of which they will have had no experience and may find few friends, and of the intended beneficiaries more widely to hold their new representatives accountable and participate in the process. Factors from literacy rates to voter education to relatively straightforward practical and everyday measures, e.g. the provision of a crèche in parliament, may be important here.

Understanding *attitude and perception* change involves understanding the relationship between individual and group identity, culture and political economy. These are huge areas, and it is important to remember that the best policy can hope to do is to influence attitudes – not control them; and that attitudes will be affected by a wide range of influences. Public education programmes can play a part, but evidence suggests that "organic" processes of change through direct everyday contact and "learning by doing" have a significant impact. Some studies suggest working with these processes can be an effective means of breaking down discriminatory barriers[87], but the complexities and context-specificities of outcomes from such attempts should not be underestimated. There is some evidence (as noted in the case study of Bangladesh above) that policy can use this insight and effectively change attitudes by securing grassroots opinion-formers as promoters of change and tolerance, rather than relying solely on mass media or government proclamations. However, persuading such opinion-formers to change the opinions they pass on may be difficult where their short-term economic or political self-interest is at stake. The specific mix of communication channels for change may be different in different societies and/or for different groups (e.g. in Brazil, a leprosy TV campaign showed some effectiveness in promoting attitude change, although the evaluation was largely based on the relatively superficial measure of responses to a questionnaire rather than observations of changes in behaviour[88]).

Discussing gender in relation to interventions aimed at halting the spread of HIV/AIDS, Geeta Rao Gupta[89] noted a number of policy approaches to dealing with gender roles. These included: a basic "do no harm" principle of avoiding reinforcing negative stereotypes; "addressing gender differentials" i.e. working within the

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86 ICHRP 2001, p21.
87 Jenks 2003; Alexander 2003, pp16-17
88 Frost 2003

limitations that social norms impose on women to strengthen their power to avoid infection; "triggering transformations" in gender roles by making AIDS work overtly gender-equal, e.g. working with couples rather than men or women as individuals; and finally "empowerment", seen as the direct provision of resources (possibly financial, also educational, etc) to women. But even a direct empowerment approach will face considerable obstacles in dissolving gendered social boundaries, as the case study of Kerala illustrates.

Another observation for state policy is that anti-discriminatory laws and policies can be undermined by the "street level bureaucrats" who are tasked with implementing them. Studies in India of both the Prevention of Atrocities Act, and the education system, have noted widespread biases at grassroots level against dalits and adivasis.[90] In Uganda, significant sections of proposed legislation to strengthen women's land rights were dropped partly due to concerns over its enforceability in the face of opposition[91] - and enforcement of the land rights that women do have is weak.[92]

What exactly to do to address such problems will vary from one situation to another. For example, one women's activist in the Philippines identifies various steps to building a "committed and capable bureaucracy", including creating networks of women inside the organisation who can act as allies, sensitising men and attracting a change-sponsor at the highest level possible. The building of such a bureaucracy, however, she sees as just one prong of a strategy to get government to adopt gender-sensitive policymaking, that also includes creating new "transformative mechanisms" to institutionalise gender-sensitive thinking, such as gender database unit or a network of people acting as advisors on "women's concerns", and a "supportive environment", composed of a multitude of women's organisations outside government, who could both provide policy feedback and political pressure.[93]

Rao and Kelleher echo these comments in their discussions of "gender mainstreaming".[94] Looking at how development organisations can promote gender equality, they see the provision of a "gender infrastructure", of sensitising training, and monitoring committees and procedures, while necessary, as only a first step. Also important are "organisational change" – in "deep structures" such as intra-organisational power relations, work-family balance, cultures of work and expectations of workers in that organisation - and changes in social institutions, the rules and values in wider society. "These rules can be formal, such as constitutions, laws, policies, and school curricula; or informal, such as cultural arrangements and

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89 Rao Gupta 2006
90 Human Rights Watch 1999, Balagopolan 2003, Vasavi 2003
91 Hunt, 2004
92 Grown and Rao Gupta 2004, p48
93 Valdeavilla 1995, pp97-9.
94 Rao and Kelleher 2003, 2005

norms regarding who is responsible for household chores, who goes to the market, who decides on the education of children, or who is expected to speak at a village council meeting."[95]

They also see activists in society outside the organisation as playing a key role in bringing the "demand" side for change to bear on the "supply" side emanating from organisational change. Such an approach examines the interaction between changes in the "policy areas" that have been treated separately for the purposes of the current paper, in particular the vital role that such informal institutions (grouped under "attitudes and perceptions" in this paper's structure) play not just in the lives of people suffering from discrimination, but also in the implementation of any policies in the other areas, for example in delivering key services. The combination of internal and external forces for change, and the multiplicity of tactics employed, may be useful food for thought for many involved in promoting anti-discriminatory change in public bodies; but specific courses of action will most likely be best decided by those in the frontline of each particular campaign.

Powerful and well analysed evidence of discrimination and inequality can be a particularly useful tool for dealing with technocratic policy actors (and also useful for wider society). The collection and dissemination of disaggregated statistics allows not only monitoring of policy impact on the relevant group(s), but also the demonstration that claims of unequal treatment were justified. Discussing the concept of "social exclusion", Estivill writes that "very often, the first response to it is *denial and concealment* of its existence…One of the first conditions for the formulation of strategies to address exclusion is therefore precisely to bring it to the surface, make it visible and give it recognition… this not only involves promoting research, studies, publications and different statistical approaches, but also laying the basis for a public debate in which all the actors involved intervene."[96] Creating the conditions for a debate in which all actors concerned feel able to intervene might of course be very difficult. Nevertheless, it appears that the dissemination of accurate information played an important role in showing that the common belief that Brazil was a "racial democracy" to be a myth;[97] the lack of good quality data on gender discrimination was felt to be a key problem by another Philippines activist.[98]

Finally, a significant truism is that change takes time – and effort. Substantial progress towards interethnic equality in e.g. Malaysia or Cuba took decades, and parity has still not been reached after 30 years. The multi-generational struggle of women in the UK, from the campaign for a universal political franchise, and still

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95 Rao and Kelleher 2005, pp59-60
96 Estivill 2003 pp93-4
97 ICHRP 2001 pp12-13.
98 Del Rosario 1995, p106.

ongoing in all the fields covered in this paper (e.g. the most recent evidence suggests that, while discrimination in the labour market has decreased substantially, women's' pay still lags behind men's'[99], and women are still disproportionately represented among low-paid workers[100]), illustrates both how much can be achieved - but also that even 100 years after the modern emergence of an organised movement, gender discrimination and related poverty can still be easily observed.

Building the new alliances to make policy and legislation effective is ultimately a project of long-term social change. Further, change is constant and societies are not static; discrimination and poverty processes are dynamic and gains can be lost. This includes both changes in poverty levels, socio-economic structures and socio-cultural attitudes. The ICHRP go further and emphasise that not only will change be slow, but also that "Reform will be expensive. Sustained transfers of resources are an essential component of any serious reform programme…"[101].

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99 Equal Pay Task Force 2001, p4.
100 Palmer et al 2005, p73.
101 ICHRP 2001, p23

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