

# Building Citizenship through Social Policy in the Eastern Caribbean: The Role of Social Guarantees

Maximillian Ashwill and Andrew Norton, editors



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## **Dedication – Estanislao Gacitúa-Marió**

This paper is dedicated to celebrating the life and memory of Estanislao Gacitúa-Marió who passed away early in 2011. It builds on one of the many areas of development theory and practice where he made an outstanding contribution and produced original, insightful, compassionate, humane and creative work of wonderful quality. For all of those who had the privilege of working with him, he was an inspiration. The paper is offered in the spirit of his deep commitment to social justice, and to continue to work towards realizing his vision of human possibility and transformation.

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# Introduction

Maximillian Ashwill<sup>1</sup> and Andrew Norton<sup>2</sup>

## DEFINITION:

**Social guarantees** are the administrative and legal mechanisms that define and ensure certain obligations of the State related to specific human rights.

The purpose of this volume is to demonstrate how the social guarantees approach can be applied to social policy design, delivery and monitoring at the country level, especially in the island states of the Eastern Caribbean where interest has been shown to further develop the applicability of this framework. The report builds on previous work done by the World Bank and the Organization of American States (OAS) on the theme of social guarantees. This work began in earnest in 2008 with the publication of the report, *Realizing Rights through Social Guarantees: An analysis of new approaches to social policy in Latin America and South Africa* (World Bank, 2008a) and led to the full-length book, *Building Equality and Opportunity through Social Guarantees: New Approaches to Public Policy and the Realization of Rights* (Gacitúa-Marió et al, 2009). These initiatives and several others<sup>3</sup> were led by Mr. Estanislao Gacitúa-Marió, with this volume serving as a companion document to the others and in many ways representing a tribute to him (Box A below outlines the process which has extended this work into the context of the Eastern Caribbean). This report contains three chapters which are meant to complement, not replicate, this prior work.

## Rights and citizenship

*“Robbed of the fundamental privilege of citizenship, I am degraded from the status of a citizen to that of a subject.”*<sup>4</sup>  
– Susan B. Anthony (1820–1906), U.S. suffragist

*“Our message to our clients, whatever their political system, is that you cannot have successful development without good governance and without the participation of your citizens.”*<sup>5</sup>  
– Robert Zoellick, President of the World Bank

Citizenship is often regarded as the basis for people’s claims to legal rights. In its most basic form (common to all definitions in political philosophy), it refers to the notion that a set of individuals within a polity have equal rights and responsibilities. From that basic starting point there are a range of traditions of interpretation. In the *liberal* or *civic liberal* tradition, citizenship primarily refers to a set of universal rights granted by the state. A key evolution in thinking in this tradition from a social policy perspective is the work of Marshall (1950). His foundational insight was that a certain level of assurance of economic and social well-being is necessary for individuals to be able to make use of their civil and political rights. The “communitarian” and “civic republican” intellectual traditions place much more emphasis on how people act to build citizenship from the bottom-up. It underlines the character of citizenship as a shared collective identity which is socially constructed (rather than given by the state) (Jones and Gaventa, 2002).<sup>6</sup> In the republican tradition, therefore, there is an active balance between individual rights and responsibilities and citizenship is not just a status but also a “practice.”

In terms of its everyday understanding in modern life, in order to be a “citizen,” a person must satisfy specific criteria which guarantee the claim to national identity (such as, for example, in the United States, being born within the territory of the country). There is a long history of states guaranteeing rights to people on the basis of their “membership” of the nation in question. This spans the Charter of Medina in the 7th Century, which protected religious freedoms for the people of Medina, the Magna Carta in the 13th Century, which proclaimed a right to liberties for certain restricted categories of the English population, and the bills of rights stemming from the French and American revolutions. More

1. Sustainable Development Department, Latin America and Caribbean Region, World Bank.
2. Overseas Development Institute.
3. Including a policy note, *Increasing Inclusion through Social Guarantees* (2008b), and two OAS-sponsored events, the Social Development Summit in Reñaca, Chile in June, 2008, and the Regional Conference on Horizontal Cooperation in Social Protection in Trinidad and Tobago in September, 2008.
4. As quoted in *The Life and Work of Susan B. Anthony*, ch. 25, by Ida Husted Harper (1898).
5. As quoted from a policy address before the World Bank’s 2011 Spring meetings.
6. Jones, Emma and John Gaventa (2002) summarise a range of approaches to the understanding of citizenship in *Concepts of Citizenship: a review*. IDS Development Bibliography 19, IDS UK.

## Box A: Background

In March 2007, the OAS initiated a horizontal cooperation program that supported a knowledge exchange on social policy between Chile and three countries of the Caribbean: Jamaica, Trinidad and Tobago and St Lucia. Chile's social policy regime recognized that individuals and families possess rights to essential social services and that the Government has an obligation to address weaknesses in quality and access. The three Caribbean countries participating in the knowledge exchange believed that by adapting the lessons of the Chilean model to their unique contexts, they could begin to address the weaknesses in their respective programs and improve social protection services for their most vulnerable citizens. Of particular importance in this initiative has been an emphasis on continuous learning made possible through virtual tools. This enables essential knowledge-sharing between program participants separated by thousands of miles.

This new South-South collaboration and burgeoning community of practice provided an appropriate platform for the World Bank's involvement through the capacity-building program, "Sharing best practices in the Caribbean on social policy and program implementation to reduce poverty and inequality based on the Chile Social Guarantees approach." The objective of this program, financed by the South-South Experience Exchange Trust Fund (SEETF), was to introduce virtual tools that would facilitate knowledge-sharing on social policy strategies, particularly the social guarantees approach. Further, the program would enable continuous dialogue between Chile and the expanding Caribbean community of practice which by now included St Vincent and the Grenadines, St Kitts and Nevis, Suriname and Barbados in addition to Jamaica, Trinidad and Tobago and St Lucia.

This knowledge exchange consisted of two international conferences and a continuous virtual learning exchange among the community of practice. The conferences were the Caribbean Conference on Horizontal Cooperation on Social Protection held in Barbados in January, 2011, and the Workshop on Virtual Learning for Effective Social Policy held in March, 2011 in St Lucia. Through this experience exchange, a consensus emerged among the Caribbean community of practice that the social guarantees framework was something worth exploring as a possibility for implementation in their respective nations. However further information on this approach's applicability was needed. Providing this information is the overriding objective behind this volume.

recently, various human rights declarations<sup>7</sup> have recognized the individual's position beyond that of "subject" to that of "citizen" or "rights holder." (Malanczuk, 1997) The adoption of universal human rights as an organizing framework for relations between individuals (the rights-holders in that framework) and states (the primary duty-bearers) through the Universal Declaration of Human Rights of 1948 marked a watershed moment in recognizing rights as universal and inalienable. Further elaboration of the international legal framework involved a first group of provisions dealing with civil and political rights, and a second group which have, "subsequently come to be known as economic, social and cultural rights: the right to social security, to full employment and fair conditions of work, to an adequate standard of living, to education and to participation in the cultural life of the community." (Malanczuk, 1997)

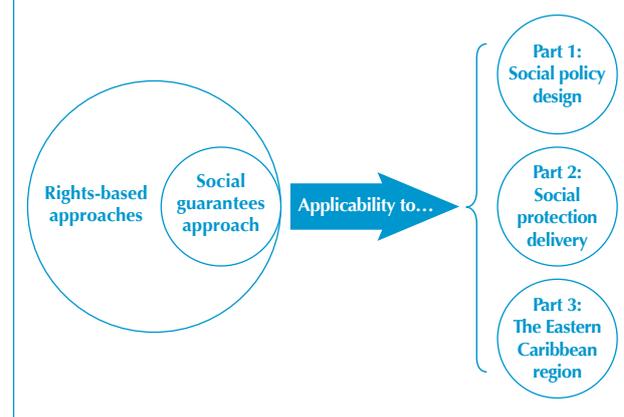
Taking these rights from the realm of vague abstractions to specific mechanisms of enforcement has largely been a function of international law. But those rights pertaining to social issues, such as the right to a quality education, or the right to affordable healthcare, have often fallen to social policy-makers. The social guarantees approach, which is the focus of this volume, represents an innovative way of moving beyond a predominantly normative definition of these social "rights" to one of specific and practical meaning; building citizenship through the application of social guarantees. (Refer to Figure B for a visual representation of the social guarantees process).

The three chapters of this short volume will respectively argue that: (1) rights-based approaches to social policy are highly effective if implemented under the correct scenarios; (2) social protection systems and social guarantees are mutually applicable, and (3) the Eastern Caribbean region should consider utilizing a rights-based approach to social policy. Given these three general arguments it should be noted that the original purpose of this volume was not to advocate for the inclusion of social guarantees in the Caribbean, but rather

to discuss the respective merits of applying this approach to three distinct scenarios. These include: (1) the design and implementation of social policy; (2) the delivery of social protection benefits; and (3) the Eastern Caribbean regional context (Refer to Figure A for a visual representation of these objectives). The arguments that emerge represent the general conclusions from these discussions.

This volume highlights some of the potential benefits and costs of using the social guarantees approach under these three distinct scenarios. It reflects the many tensions and subtleties that exist and engages in several discussions that are still unsettled. These discussions are around the questions, Is the social guarantees approach a practical and operational framework? Can it be applied in low-level or non-invasive ways (for example as a monitoring mechanism), or must interventions be large and implemented at the highest levels of government to be effective? How does a social guarantees approach add value to existing social protection programs that are constrained more by small budgets or "clientelism," than by their respective designs?

**Figure A: A framework of the objectives and outline of this volume**



7. Most notably, the Universal Declaration of Human Rights (1948) led over the years to other guarantees of rights under international law, including the four Geneva Red Cross Conventions (1949).

One of the overriding principles behind this volume is to provide a fair analysis that highlights the many gray areas that exist, and does not fall into the trap of simplifying complex issues into right and wrong or black and white.

Chapter 1 looks at how rights-based approaches have successfully informed the design of social policy at the national level in the cases of Chile and India (refer to Box B for a brief description of the difference between rights-based approaches and the social guarantees approach). The paper argues that adopting an explicit framework of guarantees (from state to citizen) can, under certain circumstances, produce a step-change in the conditions for delivering social policy equitably and effectively within a given country. It focuses on the ways in which formulating policy as an explicit guarantee can change the political landscape. It shows it can move a given policy (in these two examples, universal health provision and employment guarantee) from the periphery to the center of the bargain between state and citizen, commonly understood as the “social contract.” From this comparative analysis, lessons can be drawn with an eye towards what conditions may look like for future successful applications.

Chapter 2 examines how the social guarantees approach can be used to strengthen existing social protection and social assistance strategies, especially in terms of improving the access and quality of social service delivery. This chapter offers a theoretical comparison of social guarantees and social protection and will argue that the respective theories are mutually beneficial and applicable.

Chapter 3 looks at some of the specific opportunities and challenges to applying the social guarantee approach within the socio-economic, political and institutional environment of the island nations of the Eastern Caribbean. It will argue that such an application is possible.

### **Box B: Rights-based approaches versus the social guarantees approach**

The social guarantees framework is an example of a rights-based approach to social policy. The advantage to using the social guarantees approach is that it provides a detailed framework for implementing a rights-based approach to social policy, service delivery and monitoring. In other words, practitioners would not need to reinvent the wheel. However, the framework is still meant to be flexible enough to revise as practical issues emerge.

This volume was largely written in order to provide practitioners with the information they need to decide whether or not to pursue the development of social guarantees in the Caribbean. However this document is also highly relevant for researchers, policy-makers, academics, civil society groups, international organizations and others who are generally interested in understanding the social guarantees approach and its applicability.

## **Discussion**

Rights-based approaches to social policy are often misinterpreted as welfarist in nature. On the surface, this argument seems to make sense. These frameworks basically guarantee certain services to the population by the government and with these rights, come responsibilities for the state to deliver. While this is true, it leaves out two important aspects of rights-based approaches. First, they create a framework for agency and mobilization on the part of citizens and not just on governments. Second, they can have direct practical benefits for the state. The United Nations (2006) provides two main reasons for rights-based approaches to development. These are that: (1) morally and legally it is the right thing to do, and (2) there is an instrumental rationale to such an approach that provides more sustainable human development outcomes. For this discussion, this paper will concentrate on the latter.

In chapter 2, the authors will argue that applying a social guarantees approach to social protection systems will more effectively improve human development. This will lead to greater productivity and, in turn, a stronger economy and society in general. In addition, building citizenship through this approach will help transition Caribbean countries away from clientelist forms of service delivery towards one based on equity and inclusion; a more sustainable and efficient outcome. Chapter 3 argues that clientelism is a major hindrance to social development in the Caribbean. It shows how creating a citizen-state relationship with mutual benefits and responsibilities, as opposed to one of subject and sovereign, will help eliminate the worst forms of poverty and inequality.

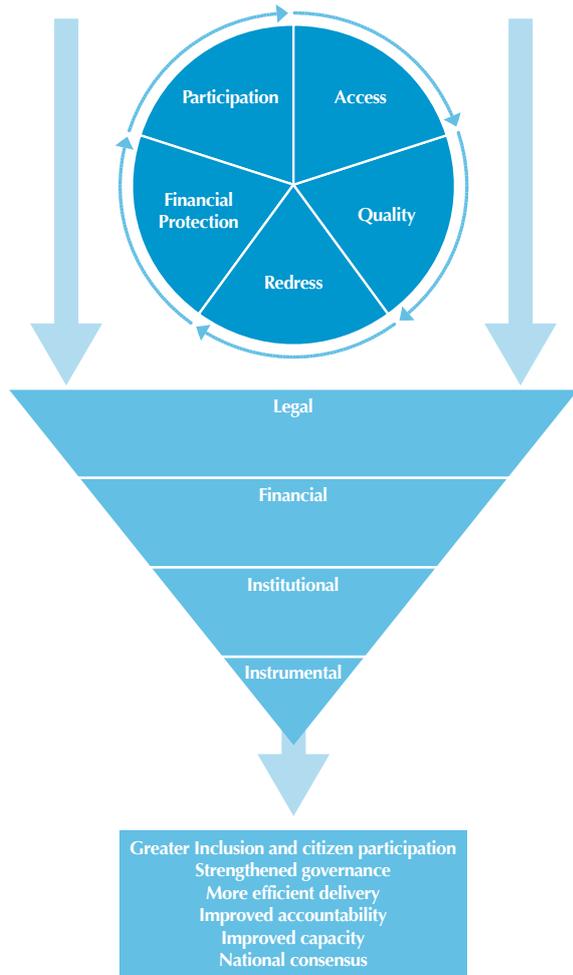
When one takes into account this mutually beneficial relationship between states and citizens, the feared lack of political will ceases to be so prominent an issue. This was the case, in the *Workshop on Virtual Learning for Effective Social Policy* in St Lucia. There, participants voiced concern that a rights-based approach would be difficult if the “political will” to implement these reforms did not exist. On the surface this would seem correct. However, after a heated discussion a new consensus emerged, that an *explicit* right as codified by law – and effectively communicated, and backed up by policy delivery mechanisms – can create an expectation among citizens. This will lift the policy concerned beyond the reach of political competition. Whereas with *implicit* social protection “rights,” people would be less likely to expect or hold political leaders accountable for their delivery over the extended timeframe necessary to put in place structures and institutions to support the policy.<sup>8</sup> Chapter 1 explores in detail two examples where a rights-based approach has acted to bring long-term stability behind a commitment to deliver policy in an equitable and effective manner. These examples are the health reforms carried out in Chile in the 1990s and the employment guarantee movement in India.

Another misinterpretation is that rights-based approaches are only applicable in certain high-income, resource-rich European nations where the general populace is comfortable with the “nanny state.” Chapter 1 will show

8. See Chapter 1 for a clear description of what an “explicit” versus “implicit” right is.

## Figure B: Functional process of the social guarantees approach

Social guarantees are made up of five sub-guarantees including: access, quality, financial protection, continuous revision and participation. All of these work together to make a right explicit. The four policy domains, including legal, institutional, instrumental and financial pertain to the domains that must be in place and adequately strong to support such guarantees. Sub-guarantees that are sufficiently and explicitly supported by the policy domains will lead to many benefits. These are, outlined by the World Bank (2008b), and include: greater inclusion, participation, governance, delivery, accountability, capacity and consensus. Chapter 2 will examine this process in more detail.



examples from Latin America and South Asia which demonstrate that rights-based approaches can be highly successful in non-Organization for Economic Cooperation and Development (OECD) countries.<sup>9</sup> The danger of “moral hazard” stemming from a welfare state was expressed by some of the participants of the St Lucia workshop. The idea is that developing a rights-based approach could develop a dependency among citizens for social protection and assistance that the state does not have the resources or capacity to deliver on. While this is a real danger if the approach is poorly planned, consensus emerged that it would ultimately not be a threat if implemented correctly through proper financial support and policy design. In fact, it would actually have very positive ramifications in improving the access and equitable delivery of social services in the Caribbean. In other words, it does not take a rich, liberal welfare state to successfully apply a rights-based approach to social policy.

9. Chile only qualified as an OECD country in May of 2010, well after they began rights-based approaches to social policy design.

# Chapter 1

## Social Guarantees:

### Rights as Smart Politics

Andrew Norton<sup>10</sup>

**T**he objective of this chapter is to outline a forward agenda for the application of a social guarantees approach to social policy formulation, monitoring and delivery. The paper builds mostly on a body of work put together in the World Bank between 2007 and 2010 under the leadership of Estanislao Gacitúa-Marió, notably *Realizing Rights through Social Guarantees: An Analysis of New Approaches to Social Policy in Latin America and South Africa* (World Bank 2008); and *Building Equality through Social Guarantees: New Approaches to Public Policy and the Realization of Rights* (Gacitúa-Marió et al 2009).<sup>11</sup> This paper honors his legacy and his memory. The work also aims to continue the momentum of the project by translating a social guarantees approach into operational and policy applications.

The operational and policy potential of this work will be considered specifically in relation to the politics of social policy formulation. Here the paper picks up a key lesson from Moreno and Rosenbluth's case study of health policy in Chile (2009) – namely that the social guarantees framework has considerable potential for negotiating progressive settlements in polarized sectoral political economies. The “political potential” of a social guarantees approach is explored as well as the potential limits in terms of the contexts in which this may be feasible.

The social guarantees approach clearly adopts a rights-based framework for the delivery and design of social policy. Critiques of rights-based approaches to development practice have sometimes argued that such an approach can de-politicize development processes through a focus on the legal arena as the key domain in policy action, or a general lack of appreciation of political realities (Cornwall and Molyneux 2008).<sup>11</sup> By exploring examples of effective policy design that take account of key dimensions of the political economy of change, the paper demonstrates that a social guarantees approach can bring an effective and practical approach to negotiating political change to promote equity and the realization of rights.

### Understanding guarantees in public policy – Examples of explicit and implicit guarantees

The term “guarantee” is used in a number of senses in relation to the delivery of social policy, within essentially two different categories, one “implicit,” the other “explicit.” “Implicit” guarantees can be taken as meaning that the total sum of a set of policy measures and programmatic arrangements amounts in practice to a guarantee that the state will provide a given service. However, the “explicit” offer of guaranteed delivery of a given service or benefit by a political actor to citizens does not happen. Sumarto et al (2000), for example, describe the implicit content of social protection policy in Indonesia in the aftermath of the financial crisis of the late 1990s in terms of two different kinds of guarantees. The “safety net” is a guarantee of support based on those falling into absolute poverty as a result of the crisis. The “safety rope” (using the analogy of a climber's rope attached to a cliff face) provides a guarantee of not falling more than a given distance as a result of the shock and applies to the middle class as well as the poor. The authors use this comparative metaphor to distinguish between different programs. First, those which primarily work as a safety net (e.g. subsidized sales of rice targeted at the poor). Second, those which functioned during the crisis to help workers at different levels of incomes sustain some continuity in their level of livelihood (in this case a specific job creation scheme).

Explicit guarantees differ inasmuch as the offer to citizens of a specific guarantee by an administration (and codification of this into law as well as policy) creates a firmer basis for implementation and bottom-up claims. If the framework of institutions is strong enough for the guarantee to be meaningful, it will create pressure on the executive to keep adjusting policies and resource allocations until the guarantee is met in practice. Codification of the guarantee into law provides a basis for long-term predictability which encourages both citizens and officials to adjust their strategies and behaviors to realize the benefits.

10. Overseas Development Institute.

11. They debate the limits of a liberal rights approach in situations of legal pluralism for advancing women's status and entitlements.

A strong example of an explicit guarantee approach can be found in the growth of employment guarantee programs, legal instruments and practices within India. This has now grown into a national program, backed up by national legislation and operational in every state of India. By 2010, the various state-level programs operating under the umbrella framework of the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) of 2005 reached 52 million households across the country (Vij 2011), making it by far the largest social protection program in the world.<sup>12</sup> The 2009 budget for the set of programs implemented under the MGNREGA framework was US\$8.38 billion, making it the largest social program in India (Government of India 2009).

The practice and policy tradition of employment guarantees in India has its origins in the Maharashtra Employment Guarantee Scheme (MEGS) which dates back to the 1970s. The original Maharashtra program offered employment on public works schemes as a right given certain specific conditions. The scheme guaranteed employment within 15 days of a demand being made to all adults in rural areas, over the age of 18 and willing to do manual unskilled work on a piece-rate basis (provided the jobseekers have registered with the local administration and that there are at least 50 jobseekers in one locality). If the site of work is more than 8km from the workers' homes the administration was also obliged to provide temporary shelter (Joshi and Moore 2000) (Joshi 2009).

Adoption of the language of "guarantees" in the context of the state's delivery of policy undertakings creates an explicit connection to what can be described as a "rights-approach" to social policy. This is because it captures the side of a right which is about the state's obligation to deliver (Convention on Economic, Social and Cultural Rights, 1990) (Fakuda-Parr et al 2009).<sup>13</sup> In the case of an explicit guarantee, this is likely to be much more concrete than where the guarantee element is implicit. The original MEGS scheme, for example, contained a number of features which encouraged certainty in terms of the expectations of the role of public institutions. These are first, a legal framework underpinning the program. The Maharashtra Employment Guarantee Act of 1977 obliges the Government of Maharashtra to operate an employment guarantee scheme for the rural poor. Implementation details, however, can be changed by the Executive. Secondly, dedicated mechanisms were established for funding MEGS. This is also enshrined in law<sup>14</sup> and includes specific taxes and an obligation for the state government to match the amounts raised in tax. Third, a broad underpinning at a programmatic level involving coordinated action between the Revenue Department that oversees the scheme and a number of line agencies (irrigation, highways, forestry, agriculture etc.) that design and implement the works. The articulation between a tolerant political environment and a solid basis in the legal, fiscal and programmatic domains give the program characteristics of certainty, credibility and predictability. This enabled it to become part of the political culture of the state

(Joshi and Moore 2000).<sup>15</sup> This, in turn, encouraged a degree of political mobilization and collective action on the part of poor rural people, specifically related to the program, but possibly with broader benefits.

The Maharashtra case can also be taken as illustrating a potential benefit attached to the translation of economic and social rights into concrete entitlements or guarantees. This relates to their role in the transition from a clientelist mode of politics to one where claims can be made on the basis of citizenship, rather than patron-client or other particularistic relationships. In other words, people may be encouraged to mobilize as citizens – with equal rights and obligations – in their dealings with the state, rather than (or as well as) seeking benefits through particularistic relations. In practice this is likely to be a gradual and incremental change, and will build on the political dynamics which make it feasible. Nonetheless, the notion that a rights-based mode of delivery of social policy can facilitate the evolution of a political culture towards greater equity and voice is persuasive. In a study of the political process which generated the national rural guarantee scheme established by the national legal instrument of 2005, Macauslan (2008) observes that a broad range of civil society groups all perceived guaranteed employment as the most important instrument through which rural distress could be addressed. This was because "it was felt that a demand-based system (where applicants must apply for work) would strengthen civil action." The groups all had different interests and foci, including women's empowerment, local-level democratization, workers' rights etc.

To a very large extent, the success of MEGS encouraged the development of the national framework for employment guarantees which is now being rolled out across India on a huge scale. The original national legislation, the National Rural Employment Guarantee Act (NREGA), was passed in 2005. It came into force in 200 Districts in early 2006, and was extended to all districts in 2008, and renamed the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) in 2009. There are some significant evolutions in the framework of the national legislation. Notable is the requirement in MEGS that 50 people register in order for a works scheme to be developed in a given locality has been reduced to ten in the national act. Furthermore the local administrations at *gram panchayat* and *gram sabha* levels are heavily involved in the newer scheme. They are responsible for providing off-the-shelf menus for works, including water conservation, drought-proofing, low-tech irrigation, land development, flood control, rural access), as well as registering households and issuing job cards (at "panchayat" level). The national legislation is more directive than the Maharashtra prototype in terms of wage levels which are pinned to the national official minimum wage. It also prohibits the use of contractors – which were heavily utilized in MEGS. However, key features clearly derive from the Maharashtra experience. These are notably the guarantee of 100 days of work per annum to all who request it; the specification of the period within which

12. To give some idea of scale and significance, DFID estimates that the total number of households reached by social protection in all Low- Income Countries (LICs) amounts to 40-50 million – less therefore than the total reached by this single MGNREGA program.

13. Under the international human rights regime, state governments have the duty to protect, promote and fulfil the human rights of citizens and residents. DFID's strategy paper *Realising Rights for Poor People* (2000) identifies "fulfilling obligation" as one of three cross-cutting principles for a rights-based approach, – along with participation and inclusion.

14. The Maharashtra State Tax on Professions, Trades, Callings and Employments Act of 1975.

15. The original provisions of MEGS continue to operate alongside the federally mandated provisions of the new national program (Deepa Chopra, pers. Comm.).

the administration must respond to requests (15 days), and the codification of the guarantee through detailed legal instruments. In the national scheme, a provision exists for applicants to get unemployment benefit if work is not provided, although the extent to which this claim can be realized in practice is uneven.

## Social policy, human rights and the theory of social guarantees

The use of legally specified entitlements as a policy mechanism does not ensure that everyone will be able to access those entitlements on an equal basis. Legal recourse is beyond the means of many people outside the elites or middle classes. But without effective redress, a theoretically universal provision (or guarantee) may be effectively anti-poor as the benefit may be only accessible to elite groups in practice (Norton and Elson 2002).<sup>16</sup> Accordingly, a rights-based approach to social policy can be seen as entailing a number of different elements, captured by the World Bank (2008) as follows:

- The definition and widespread communication of rights, entitlements and standards which enable citizens to hold public policy-makers and providers to account for the delivery of social policy;
- The availability of mechanisms of redress which citizens can utilize if they are unable to enjoy specified entitlements of social minimums; and
- A commitment to the equitable delivery of the specified rights, entitlements and standards to all on a universal basis.

The “social guarantees” approach offers a strong framework for meeting all these elements, through taking a holistic view of the policy elements needed to ensure equity in delivery (including access, quality, voice and redress), and providing clear guidance on meeting the political challenges involved in developing sufficient consensus around a progressive policy approach. The origins of this approach lie in work carried out by Luigi Ferrajoli (2000); the Chilean Foundation for Overcoming Poverty (FUNASUPO (1999 and 2007); and the UN Economic Commission for Latin America and the World Bank (2008)/OAS project that generated the key texts for this work.

The social guarantees approach was designed to go beyond the normative content of the standard frameworks for understanding economic and social rights. It was to give them concrete meaning and hence allow for their translation into practical programmatic action. The literature (also Sojo 2006; Gacitúa-Marió and Norton 2009) suggests five key characteristics that define a social guarantee:

- It has a legal expression that results in an explicit state responsibility;
- It is constructed in relation to a specific rights-holder;
- It involves mechanisms of access and redress, which are clearly defined; and
- Its conditions of access and redress are widely communicated to the broader public to enable claims to be made, and; it is flexible and revisable.

An explicit approach to framing policy through social guarantees was piloted in Chile through the program initially known as the Universal Access with Explicit Guarantees (AUGE), later reframed as the Regime of Explicit Guarantees in Health (REGH). The four dimensions of the guarantee built into that law were framed as follows: access, quality, opportunity and financial protection. This illustrates one key dimension of a social guarantees approach. That is a holistic approach to the delivery of social policy so that short-term political concerns about expanding service access, for example, can be balanced against the considerations necessary to ensure that quality of delivery is not undermined by a rapid process of expansion. Building on this experience, subsequent work by FUNASUPO and the World Bank developed a holistic framework for policy design and implementation, with two main elements. These are: the “sub-guarantees,” which described different elements of the guarantee, and the “domains of implementation” which outline the areas of action necessary to translate intentions into reality.

The framework of sub-guarantees adopted in this work is as follows:<sup>17</sup>

- **Access:** This sub-guarantee ensures that rights-holders have timely access to the defined service set for as long as needed;
- **Quality:** This refers to the technical procedures ensuring that the entitlements and means for delivering them are of at least a defined minimum quality, according to established quality standards;
- **Financial protection:** This sub-guarantee requires that mechanisms be established to ensure that people who cannot afford the costs of accessing the entitlements (or receiving the services) will be able to access them through special provisions and support. This is understood to cover both direct costs (e.g. purchase of medicines, textbooks) and indirect costs (e.g. transport);
- **Redress:** The design of effective redress mechanisms requires an exact definition of the situations in which citizens can claim access to services and definitions of the judicial and administrative mechanisms by which those claims may be pursued and resolved; and
- **Continuous revision and participation:** This sub-guarantee ensures that the guarantee is revised periodically to align the provisions with changes in resource availability, the risk environment, political and social consensus and any relevant advances in science and technology. It also ensures that citizens have a voice in key elements of service delivery. It requires that citizens participate actively in the design and revision of policies, contributing to transparency, accountability and better governance.

The taxonomy of sub-guarantees illustrates two other key dimensions of the value-added of the social guarantees approach. The first of these is the emphasis on what can realistically be delivered on a universal basis given existing fiscal and institutional capacity, as well as the negotiated settlement between different interest groups which will underpin the guarantees agreed. The framework thus allows for revision – at intervals and through mechanisms which should be specified. The other is the emphasis

16. Where entitlement frameworks are enshrined in law but without due attention to an equitable fiscal, policy and redress framework, it is likely that rationing will occur and the broad impact will be regressive.

17. In line with the presentations in World Bank (2008) and in Gacitúa-Marió and Norton (2009) op cit.

on mechanisms of redress as a key part of the overall delivery framework. In the experience of the Chilean health reforms, the establishment of an office of sector ombudsperson in the Superintendent of Health, with the power to enforce compliance on both public and private sector providers was critical to the success of the reforms (Moreno and Rosenbluth 2009).

In order to produce a holistic analysis of the sub-guarantees it is important to consider the different policy domains which underpin robust delivery. These can be seen as legal, institutional, instrumental (or programmatic) and financial. Taking this taxonomy and applying it carefully to policy analysis or design will reinforce the element of realism in relation to available financial and institutional resources referred to above. The legal domain underpins delivery with specific mechanisms outlining accountabilities and roles as well as affirming the commitment to equitable delivery and access to redress. The institutional domain describes the specific arrangements in the state, private sector and civil society required to secure the budget; implement and monitor programs, and enable individuals and groups without access to claim their rights. The instrumental domain refers to the programs and policies which ensure the realization of the guarantee. And the financial domain describes the provisions necessary to allocate adequate resources for the delivery of the overall policy framework – as well as its component parts.

As has been noted by Uvin and others (2004), this kind of approach to public policy, which is predicated on people claiming rights as citizens (through either collective or individual action) is likely to be much more effective where a degree of predictability is achieved. The more predictable a program or policy framework, the more it is worthwhile for politicians, social activists and citizens to invest in learning about it and trying to mobilize around it (Uvin 2004). One key element of achieving predictability is to move elements of the guarantee framework above the level of political competition. That way it becomes “part of the furniture,” as was described above for MEGS. The next section summarizes the key lessons from the experience with the health reforms in Chile. This experience suggests that elements of the process of generating the REGH system can be seen as a sophisticated political methodology for introducing progressive sectoral reform under conditions of a highly polarized political economy.

## **Rights as smart politics – The experience of the Chile health reforms and parallels with the employment guarantee movement in India**

The Chilean health sector at the turn of the millennium presented formidable challenges. Essentially, the legacy of the Pinochet years and the aggressive pursuit of neo-liberal policies had left a divided sector which delivered very poor results to the majority of Chileans. Prior to 1980, the system was fundamentally public, financed through tax revenues. After the health reform in 1981, the modality of risk insurance was introduced and market mechanisms regulated the level of protection. Chileans could be affiliated either with the public health system through the National Health Fund/Fondo

Nacional de Salud (FONASA) or with private health insurance institutions/“instituciones de salud provisional” (ISAPRES). Despite the obligatory nature of the insurance, the latter operate under the logic of private insurance, which is associated with individual risk. From 1981 to 2001, the Chilean health system operated under a dual modality in which the public system and the private system were completely separate from each other. This duality led to a strong segmentation of the healthcare system in Chile, with clear differences in quality and access to services across social groups. The public service was also overburdened and in practice cross-subsidizing the private system as many members had to seek attention in the public system when their health plans did not cover a particular condition (Drago 2006).

By 1999, it was clear that the health sector in Chile had serious deficiencies and was the subject of serious popular discontent. Consultations carried out by FUNASUPO (Moreno and Rosenbluth 2009) highlighted the following criticisms:

- Lack of a coherent, coordinated public policy for health delivery and promotion;
- The structural segmentation in the health system resulted in the low-income and high-risk population being treated mainly by the public sector and the high-income and/or low-risk population being treated by the private sector;
- An increasingly polarized and inequitable distribution of health outcomes;
- Resources in the private system were over-allocated to healthy and young individuals as a result of insurance market distortions;
- A general under-investment in preventive medicine and health promotion; and
- Persistent labor issues resulting in frequent strikes by health workers.

Ricardo Lagos was elected President of Chile in 2000 and came to power with clear objectives to reform the health sector.<sup>18</sup> The Lagos administration appointed Hernan Sandoval to head an inter-ministerial health reform commission which led the process. Efforts were made to think through the political challenge, including a specific focus on learning lessons from the failed Clinton administration health reform initiative of the early 1990s in the US. According to Bitran y Asociados (2008), some of the key conclusions which Dr Sandoval drew were that:

- The reform process should be politically led and driven by a clear political vision (rather than relying on technocratic expertise);
- Reform should focus on health systems; that the reform should focus on health problems of all citizens, not just the poor; and
- The reform strategy should be prepared to deal with potential opposition from vested interests.

Table 1-1 below outlines both sides of the equation – the perceived weaknesses of the Clinton reform process and the lessons drawn for Chile.

18. According to Bitran y Asociados (2008), the previous administration of Eduardo Frei, also of the centre left, had concentrated largely on the education sector reform, in part because of the formidable challenges that were posed by the segmented structure of health delivery for any reform project.

**Table 1-1: Lessons for health reforms in Chile drawn from failed US reforms<sup>19</sup>**

Reform process	Weaknesses of the Clinton initiative for health reform	Lessons drawn for the AUGE/REGH reforms in Chile
Design	Involving only technicians/experts.	Process should focus on political actors at all stages.
Content	Reform perceived as more concerned with insurance than overall healthcare.	Reform should focus on healthcare and health systems.
Target audience	Initiative focused on 40 million citizens without insurance – paying less attention to making the system work better for 200 million with insurance.	The reform should be designed and packaged as one concerned with improving health delivery for all citizens, not just the poor.
Politics	Architects of the reform did not anticipate the massive mobilization of opposition to the reforms.	Reform strategists should prepare carefully to deal with and defeat the potentially huge opposition from vested interest groups.

The inter-ministerial committee took a forward-looking approach addressing not just the inadequacies of the current state of health delivery but also challenges which were likely to get worse. These include the growing cost of healthcare technologies, the ageing of the population and the growing inequalities in healthcare among socio-economic groups. All sectors involved (including finance and social protection, as well as health) agreed that there was a need to specify guaranteed and redressable health entitlements. This was not only to address improving equity in the system, but also to ensure that there would be something in the reform for all sectors of the population. By drawing on a mid-1990s proposal from the Ministry of Health; the University of Chile's Economics Department, and FUNASUPO, the Executive Secretariat was able to give the Ministry of Finance reasonably specific estimates of the scale of financing that would be required. This was important in persuading them that the reforms would be affordable.

Having defined the broad outline of the reform, the inter-ministerial committee proposed four legislative bills to establish the health reforms in May 2002. These were:

- An over-arching law to define the dimensions under which services would be guaranteed across both the public and private sectors (access, quality, opportunity and financial protection);
- A law to strengthen the regulatory role of the Ministry of Health; a specific law regulating private providers under the new system; and
- A law to underpin both the funding of the health reform and the Chile Solidario social protection program through a range of tax measures.

Moreno and Rosenbluth (2009) outline some important elements of the technical political debate which occurred over the following two years:

- **A conflict between supporters of the state-based model and the privatized model.** To break the stalemate, the Lagos administration opened up dialogue with a wide spectrum of stakeholders beyond the political parties (including health professions). Also the regime was prepared to tread water during the run-up to parliamentary elections when a polarized political climate made progress very difficult. As the bills entered the senate a third position emerged. This supported an integrated health system. This new vision was based on the belief that the two sub-sectors could operate under a common system of rules. This implied the need for

profound reform, in both the public and private systems, but also helped to moderate some of the proposed bills to make them more acceptable to various groups;

- **The executive branch – and in particular President Lagos, continued to push and invested great effort in keeping the reform process moving.** This commitment was critical to overcoming opposition from organized health professionals.
- **The Lagos administration noted and made use of the political potential of the social guarantees concept.** The definition of specific conditions which would be covered and clear provisions for improved access and service standards helped to garner a broad base of public approval for the reforms;
- **Rightist political parties and private health providers saw in the reform process an opportunity to increase their legitimacy and social acceptance.** They thus focused on a limited agenda (e.g. preventing redistribution from the private to the public systems, and preventing increases in taxation) rather than broad-based opposition to the reforms as a whole;
- **Technical criteria were developed to determine details of the reform package.** Underpinning these criteria were measures which had the effect of prioritizing equity in delivery. While the choice of the original list of 56 conditions which would be covered by the provisions of REGH was not perfect, and has been criticized on the grounds of gender bias, the debate provides a good example of the use of a technical debate to generate progressive change in outcomes.<sup>20</sup> And the general principle of restricting the scope of coverage by specifying the medical conditions covered was important in giving confidence to the Ministry of Finance that costs would be bounded and (within reason) predictable.

As of 2008, a review of the outcomes of REGH could point to important preliminary effects on access, efficiency and people's perceptions of the health system. These included the following results as outlined by Barria (2008):

- An increase in the number of patients being treated for type 2 diabetes from 250,000 in 2003 to 450,000 in 2008;
- An increase in the population receiving treatment for depression from 50,000 in 2003 to 250,000 in 2007;
- A rise in the annual number of cataract procedures from an annual average of c. 7,000 from 1996 to 2004 to an annual average of almost 30,000 a year; and
- Late detection of breast cancer was reduced from 20% to 5% of cases – while early detection increased from c. 40% to 65%.

19. Adapted from Bitran y Asociados (2008).

20. To decide on the medical conditions included in the explicit guarantees regime, health professionals reviewed and ranked all major health problems in the country according to their frequency, seriousness and treatment cost. The principal ranking criterion was the number of years of healthy life lost, as determined by an indicator that combines early mortality with the disability that the disease can cause to those who survive it.

The impact on the resourcing of healthcare was also striking. Overall, after the introduction of REGH, the health sector budget rose from US\$288 million to US\$466 million between 2003 and 2008 (Moreno and Rosenbluth 2009).

In summary, the health reform process in Chile was highly successful at introducing an over-arching framework for equity in delivery into a highly inequitable, polarized and segmented sectoral political economy. By any standards, it was an outstanding achievement. Many of the features of the process (e.g. the championing the reform process by the President and the use of a range of committee structures to create space for different groups to engage) do not necessarily link to the use of a social guarantees framework. However, there are certain features of the REGH health reforms in Chile which can be seen as strongly facilitated by the use of the social guarantees approach. These are as follows:

- The focus on improving delivery for all Chileans rather than focusing solely on the ultra-poor or excluded. A “rights approach” can be made to work for the middle class as well as the poorest. Improving the accountability of the private providers was also attractive for wealthier groups;
- The broad public support the reforms generated was important for establishing the political momentum which crowded the space of potential opponents of the reform in both the organized medical professions and private sector insurance providers;
- The “bringing onside” of the Ministry of Finance in the reform process. The elements of the guarantees approach which allow for calibration of entitlements to available fiscal space were important for developing a good comfort level of the Ministry of Finance in relation to a radical agenda.

But while the achievements of the Chile reforms are impressive, there are still some important questions around the broad replicability of the process which produced the REGH health reforms. While the health sector in Chile was highly segmented, there was huge political determination to close down some of the inequalities and fissures which had emerged in society as a result of the Pinochet years. Reforming healthcare – along with social protection and education – was a necessary part of the post-Pinochet transformation that Chilean society needed to make as political participation was re-opened. Another strong example of a “rights-based” framework for social policy reform covered in the work program of the original World Bank study (2008) was that of South Africa in the years following the transition out of apartheid (Khoza 2009). In both cases the challenge was great but the imperative of completing a transition to a new political reality was clearly greater. Chile brought to bear on the problem an impressive array of technical and political expertise, at the heart of which was the very unusual think-tank FUNASUPO. This think-tank was partially integrated into the public policy system, securely funded from the public budget, but with sufficient independence to develop long-term thinking about strategies for fundamental change and transformation within the society. Ultimately the social guarantees approach to promoting policy change clearly has great potential but it also lays out a demanding agenda at the level of implementation and policy systems which requires considerable institutional capacity to execute.

Using the Maharashtra Employment Guarantee Scheme (and the national legislation on employment guarantees in India which followed) as a comparator example is interesting at a number of levels. Firstly, the scheme triangulates some significant technical elements of the Chile health reforms: the guarantees are specific, established in law, and have carefully specified procedures of access. Secondly, the financing of the scheme (as with the Chile health reforms) is also specified in dedicated legislation and highly protected from predation by other parts of the administration. The approach to accountability in the two cases differs. The Chilean case is marked by a strong top-down provision for grievance redress (through the Office of the Superintendent of Health). By contrast, the national employment guarantee act and related schemes in India have put an emphasis on a set of transparency safeguards. These include the promotion of social audits, regular maintenance of job cards, payment of wages in public, and separation of payment agencies from implementation agencies. The grievance redress procedures have, however, been highlighted as a weakness of the schemes promoted under the national employment guarantee act (Dreze and Khera 2009).<sup>21</sup>

In summary, pretty well all of the elements of a social guarantees framework outlined in the literature around the Chilean health reforms of potential relevance to a public works scheme are clearly there in both MEGS and MGNREGA. These range from the specific guarantees of access and redress to the institutional, legal, fiscal and instrumental frameworks that back them up.

The Maharashtra scheme has also demonstrated extraordinary stability over a long period. Its durability and proven effectiveness at all levels from the political to the fiscal and technical played a major role in creating the platform for the huge national scheme which followed. Clearly, for an anti-poverty program, this has demonstrated a very strong political economy. As outlined by Joshi and Moore (2000), there are also some similarities in its political origins, notably strong leadership from political leaders and somewhat opportunistic alliances across political boundaries. This is in this case the Socialist Party, Congress Party and various far left groups. The “political imperative” which created the condition for MEGS was also strong, although of a rather different character to the need to complete the post-Pinochet political settlement for the delivery of health in Chile. MEGS was born out of major drought and famine which regularly afflicted the landless poor in Maharashtra in the 1970s. In an era when the memory of the Vietnam War was fresh, elites were conscious of the need to talk to popular movements and negotiate about grievances.

The political process leading to the national scheme brought into existence by the 2005 National Rural Employment Guarantee Act provides a different example of a powerful political imperative. In the lead-up to the 2004 general election, activists focused on persuading the Congress Party to adopt a commitment to employment guarantees as a way of tackling rural distress and in the long-run providing a framework to strengthen rural social mobilization. According to MacAuslan (2008) a vibrant left-wing media, and the Supreme Court also played a role in creating the political climate which allowed for serious consideration of radical pro-poor policy options. The Congress Party included employment guarantees in their election manifesto in part due to the fact that victory was perceived as unlikely, so the fiscal

21. Dreze and Khera (2009) under the Maharashtra scheme district and ‘panchayat’ level committees were responsible for oversight, providing some framework for redress (Maharashtra Employment Guarantee Act 1977, Chapter 20).

practicalities were not examined in great detail. An unexpected victory led to the United Progressive Alliance (UPA) government of coalition between Congress and a range of small left-wing parties. The rural guarantees project became a key element of the National Common Minimum Programme (NCMP) which established the shared platform binding the coalition together through UPA I and into its election victory of 2009, leading to UPA II. A key mediator between the civil society and academic advocates of the employment guarantee approach and the party itself was Sonia Gandhi, the Congress Party's strongest electoral asset. She was, however, unable to take up the position of Prime Minister due to controversy around her Italian origins. Since then she has chaired the National Advisory Council of Congress which contains civil society and academic advocates of the employment guarantee approach and has the responsibility for overseeing NCMP, of which MGNREGA is a key part (Macaulan, 2008).<sup>22</sup>

The process of drafting the original national legislation on employment guarantees in 2004/5 involved a lengthy tussle between fiscal conservatives in the Ministry of Finance and other parts of the executive and activist groups. The bill submitted to parliament in December 2004 included a number of insertions from Ministry of Finance (backed by the Prime Minister's Office) which restricted the scope of the proposed legislation – causing an outcry from activists and politicians. As the process moved back to the political actors in the legislature, political pressure mounted to reverse these changes. Ultimately Sonia Gandhi intervened to ensure that two of Finance's demands were over-ridden: that the guaranteed of employment could not be terminated by administrative decree; and that employment would not be restricted to applicants holding Below Poverty Line cards. She was also successful in ensuring the prominent role of elected village governments (panchayats) in implementation.

The burgeoning literature on the national employment guarantee act and the state-level programs taken forward under its provisions, is complex and diverse. One of the main advocates for the scheme has been the economist Jean Dreze (2009). He outlines some of the key issues in bringing the employment guarantee from legal principle to reality for the rural poor. Clearly this is something which will not happen immediately and the engagement of the rural poor in collective action to hold state authorities responsible for effective implementation has been a key element of what Dreze describes as the "battle for employment guarantee." Some of the key themes in the literature on MGNREGA are as follows:

- The scheme is inconsistent in the performance of state implementation, with some states (e.g. Andhra Pradesh and Rajasthan) demonstrating much better results than most others. Both states have in very different ways a long track record of actions which promote transparency and the widespread dissemination of information. This facilitates collective and individual action to make claims for employment. Survey results from 2008 demonstrated that in Rajasthan, awareness of sample workers on NREGA schemes of their three key entitlements (one hundred days of work per year, the minimum wage and

payment within 15 days) was much higher than in five other northern Indian states.<sup>23</sup>

- There is a high level of corruption in implementation in some states characterized by weak governance, such as Orissa and Jharkand. Nonetheless social audits show declining corruption in Orissa, indicating that the framework of safeguards within the act can promote a positive trend even in difficult environments.<sup>24</sup>
- It is extremely difficult to assess the value of the works carried out under MGNREGA. This is unsurprising given its vast scale and the highly decentralized mode of implementation. There has also been a criticism of the scheme's design that the types of activities supported (e.g. water conservation and land development) are prone to generate benefits largely captured by non-poor land owners (Sjoblom and Farrington 2008).

From a rights perspective, there are a number of elements in the literature on MGNREGA which are worth highlighting. Firstly, the scheme has spread understanding of rights and protections which go beyond the simple orbit of the scheme itself, such as the existence of the minimum wage. It is widely recognized that where employment guarantee Acts have been effectively implemented they have helped to raise rural wage rates (Sjoblom and Farrington 2008). There is also a persuasive theme in the literature that the offer of employment on a rights basis, and through public institutions, has enhanced the dignity of conditions of work, particularly for women (Khera and Nayak 2005). Dreze and Khera (2009) also note that one third of respondents to the 2008 survey of workers on NREGA schemes in six northern states reported that the employment offered had helped them to avoid demeaning or hazardous work.

The element of MGNREGA with the most transformative potential for Indian society is its potential to promote collective action. Dreze and Khera (2009) see this as a gradual and incremental process,<sup>25</sup> but also note that "the process of organization-building has been much slower than was anticipated three years ago." Nonetheless, through the example of organized Dalit mobilization in the Badwani District of Madhya Pradesh they are able to demonstrate the key role of collective action in realizing the employment guarantee, and the fact that the benefits for the most powerless social groups can be realized to a much greater extent through organized support to collective action.

The similarities between the employment guarantee schemes of India and the social guarantees framework of the Chile health reforms are encouraging at some levels. But neither was born to any degree at all out of interventions from external development actors – and both had deep roots in the evolving political settlements of each context. So the question for external development actors (such as the World Bank) then becomes, Does this have any relevance for development partners? Specifically, can a social guarantees approach be adapted to act as a catalyst for change in other contexts. Even if the answer is taken to be "Yes," or "Yes, possibly – there is no reason to assume not," then the question still arises of where and how this might work.

22. The literature on MGNREGA differs in terms of how much of an electoral factor or asset the scheme is perceived to be. It is strongly associated with Sonia Gandhi, who plays a key role in mobilising the rural vote for the Congress Party in state and federal elections.

23. Random survey sample of 1,000 NREGA workers at 100 sites in Rajasthan, Bihar, Chhatisgarh, Jharkhand, Madhya Pradesh and Uttar Pradesh.

24. Dreze and Khera (2009) see the fight against corruption as part of the overall discourse of struggle associated with realizing the employment guarantee in India, with occasional associated acts of violence against activists.

25. "Year after year, workers are likely to develop a better awareness of their rights and their collective power. This is a key feature of the battle for the employment guarantee: time is on the side of the workers."

## Where next? Social guarantees as a framework for policy development

In the course of the work program on social guarantees the World Bank/OAS and other stakeholders considered broadly two applications: monitoring of social policy delivery, and design of social policy at the sector level.

The original studies in fact comprised two separate studies of social guarantees. One, based on the Chile health reforms, involved a study of the conscious application of a guarantees approach to social policy. In our other case studies (which covered, eventually a total of nine countries)<sup>26</sup> we used a social guarantee framework to assess how far countries had moved towards establishing a firm institutional and policy framework to ensure the realization of specific economic and social rights. While the social guarantee framework did provide a useful framework for analysis of how far countries had moved towards (implicitly) guaranteeing the realization of certain rights, there was a dispiriting quality to some of this. Inevitably, in the absence of an explicit guarantee framework, many of the cases fell some way short of where the overall framework implied they should be. This would be the limitation in using the framework as a monitoring instrument to capture the institutional framework needed to realize given economic and social rights. Building on this experience, some caution is advisable in using the framework as a simple monitoring tool across the full range of social and economic rights (as is, for example, presented in the economic and social rights instrument for the Americas, the Protocol of San Salvador). This is because the social guarantees framework lays out a level of commitment and detail in policy execution which is simply unlikely to exist in the absence of a process where political actors invest political capital in offering a guarantee to the public, and ensuring that the provisions of the guarantee are delivered on by their administration.

The framework could, however, provide a powerful diagnostic tool for a policy dialogue process with an administration wishing to transform the delivery of results within a given sector. It could be used to deploy the kind of politically smart rights analysis which underpinned the successful health reforms in Chile. This picked out strategies for negotiating settlements and overcoming opposition (both bureaucratic and political) at a number of levels. In instances where such a transformative project is feasible, the framework can also illustrate the range of design elements which would be useful in realizing a social guarantee. In the case of the design of the national rural employment guarantee scheme in India, for example, the social guarantees analytical framework might usefully have highlighted the need for stronger provisions for grievance redress.

These are the conditions which would be likely to facilitate success in such an endeavor:

- Existence of a determined executive seeking to make reform of a given sector a flagship initiative of their period in office and prepared to prioritize that reform over other sectors. This is in terms of using political capital to unblock difficulties, over a period of years if necessary. Given that these processes tend to take time it would be an advantage to start the work early in the administration's period of office;
- A base for the initiative in a transformative political project with deep social roots – preferably encompassing more than one political party;
- A willingness to prioritize the necessary legal instruments in the legislative program of the administration; and
- A willingness to adopt explicit reference to rights and guarantees and use such frameworks to mobilize support.

Under these conditions, a program of support to a sector reform project of this kind could be pursued through a range of lending or aid instruments, including budget support, policy dialogue, analytical work, or straight technical assistance. It would be advisable to start the process with a set of diagnostic exercises mapping stakeholder positions. These should anticipate currents of support and opposition and assess the current policy delivery framework against the social guarantees framework through the taxonomies of sub-guarantees and policy domains outlined earlier in this paper.

As a concluding observation, given the really outstanding success on an unprecedented scale of both the health reforms in Chile and the employment guarantee movement in India, it is remarkable how unique these experiences are and how little they have been adopted in other countries. In our review of social policy in Latin America, we found the use of explicit guarantees in social policy to be rather rare (World Bank 2008), aside from the Chile health reforms.<sup>28</sup> A recent systematic review of employment guarantees and cash transfers on a global scale could not find any other scheme which fully meets a rigorous definition of an employment guarantee scheme aside from MGNREGA in India (Hagen-Zanker et al 2011 forthcoming).<sup>29</sup> The extraordinary success of both schemes suggests that Moreno and Rosenbluth (2009) are right in describing an approach built on explicit guarantees as having extraordinary political potential. External actors in a development process obviously cannot manufacture a situation where the political logic demands a transformational, rights-based approach to social policy delivery. But by drawing on the strengths of a social guarantees approach as outlined in the work by Estanislao Gacitúa-Marió and others presented here, they may well be able to support the delivery of change in a reliable, sustainable and comprehensive manner.

26. Bolivia, Chile, Columbia, Ecuador, Guatemala, St Kitts and Nevis, Jamaica, Uruguay, South Africa. The sectors covered included health, education, housing and social protection.

27. Many commentators have observed that the national employment guarantee movement played a significant role in the re-election of the UPS government in India in 2009.

28. This is to some extent an issue of definition. Basic income provisions in Brazil and various forms of non-contributory pensions can be seen as social guarantees – although the discourse of 'explicit guarantees' may not be employed.

29. The authors carried out a comprehensive screening of all relevant academic databases in order to identify 35,991 documents. On this basis, they identified 221 documents for review. While they found numerous examples of cash transfer programs, they found only three examples of programs claiming to adopt an employment guarantee approach. In Ethiopia, the Productive Safety Net Program (PSNP) is a large- scale national program – but it only provides work for five years, and is not a real guarantee, (not everyone can demand work and get it, - only nominated households which were food insecure in previous years). The Jefes de Hogar Program in Argentina was large- scale – but was limited to a counter-cyclical intent (picking households up after a financial crisis) and was ended after a few years. The Zimbabwe Program in South Africa is very small- scale and does not offer a genuine employment guarantee.

# Chapter 2

## Using a Social Guarantees Framework to improve Social Protection Policy:

### Insights from the Caribbean Experience

Maximillian Ashwill<sup>30</sup>, Asha Williams and Ludovic Subran<sup>31</sup>

**T**his chapter examines the theoretical<sup>32</sup> possibilities behind applying a social guarantees approach to social protection programs. Particularly, it uses the Eastern Caribbean region as an example and focuses on the capacity of social guarantees to improve gaps in access and quality in social protection's service delivery. This paper argues that there is a natural synergistic relationship between the social guarantees approach to social policy and the new direction that social protection thinking is taking.

To conceptualize this relationship, it is helpful to think of the social guarantees approach as a way of designing and monitoring social policy holistically and of social protection as a tool of social policy to provide protection against shocks and other risks for the poorest and most vulnerable populations. Therefore, if the social guarantees approach can be used to design effective social policy, it could also theoretically be used to design effective social protection systems. Also, social guarantees could serve as the vehicle to turn access to quality

social protection services into an explicit right codified by law, as opposed to an implicit right which is not supported by the legal, financial, instrumental and institutional domains. In fact, when one considers that both social protection and the social guarantees approach aim to reach full coverage and maintain quality services, and thinking is already trending towards social protection as a right, it is easy to conclude that they are mutually inclusive and beneficial. On the other hand, how effective would social guarantees be in improving these benefits beyond current levels? How practical would it be to integrate this approach into social protection programs? Would social guarantees be constrained by the same factors that constrain social protection? This chapter will explore the opportunities and challenges in using a social guarantees framework for improving social protection policy.

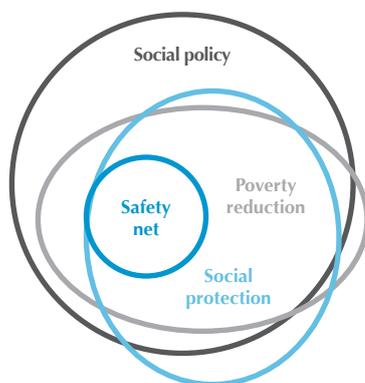
### Conceptual framework and definitions

Social protection is an important tool in poverty reduction and an important component of social policy. It also comprises various instruments, such as social safety nets which essentially provide transfers to the poor and those susceptible to poverty and shocks. Figure 2-1 highlights the positioning of social protection within the broad concept of social policy, while Box 2-1 defines the key terms used in this document.

### Focus on social safety nets in the Eastern Caribbean

In order to understand if social guarantees can aid in delivering the objectives of social protection services in the Eastern Caribbean, one must first understand the nature of poverty and social protection in the region. What priorities have governments given to protecting the poor and assisting them as they try to cope with income shocks and foster human capital outcomes? Where do these strategies fall short?

**Figure 2-1: Social policy, social protection and social safety nets**



Source: Adapted from Grosh, del Ninno, Tesliuc and Ouerghi, 2008

30. Sustainable Development Department, Latin America and the Caribbean Region, The World Bank.

31. Human Development Department, Latin America and the Caribbean Region, The World Bank.

32. For a more practical application of the social guarantees approach, the authors encourage the reader to review Gacitúa-Marió et al (2009).

## Box 2 – 1: Key social protection terms used in this document

**Conditional cash transfers:** Provide money to poor families contingent on them making investments in human capital, such as keeping children in school or taking them to health centers regularly.

**Exclusion error:** The exclusion of a person who meets eligibility criteria for a program.

**Inclusion error:** The inclusion of an ineligible person in a program.

**Social guarantees:** The administrative and legal mechanisms that define and ensure certain obligations of the State related to specific human rights.

**Social insurance:** Contributory programs designed to help households insure themselves against sudden reductions in income, including unemployment insurance, old age pensions, etc.

**Proxy means test:** A targeting method by which a score for applicant households is generated based on fairly easy to observe household characteristics such as location, structure, etc.

**Social policy:** Public policy dealing with social issues. Social policy aims to improve human welfare and to meet human needs for education, health, housing, and social protection.

**Social protection:** Set of public interventions aimed at supporting the poorer and more vulnerable members of society, as well as helping individuals, families and communities manage risk. Social protection includes safety nets (social assistance), social insurance, labor market policies, social funds and social services.

**Social safety nets:** Non-contributory transfer programs targeted in some manner toward the poor and those vulnerable to poverty and shocks. This is also referred to as social assistance.

Sources: Grosh, del Ninno, Tesliuc, Ouerghi 2008 and Ribe, Robalino, Walker 2010

## Box 2 – 2: Koudemain, St Lucia

### Overview:

Koudemain is a St Lucia initiative modeled on the Chilean Government's Puente program. It is part of an overall *Puente in the Caribbean* program implemented by the Organization of American States (OAS) with funding from the Canadian International Development Agency (CIDA). The Puente program provides psychosocial support and temporary financial transfers to poor families as a means to bridge the gap between their socio-economic standing and their ability to fully access the social services available to them.

### Design:

Koudemain provides psychosocial support to poor and indigent families in St Lucia over a two-year period with the goal of facilitating the self-sustainability and empowerment needed to lift these families out of poverty. Intervention is implemented in seven areas including, health, education, housing, employment, personal identification and family dynamics. The program's design consists of:

- Proxy Means Testing to identify families in extreme poverty;
- Social networks of partners and stakeholders; and
- Family care givers who provide psycho-social support to families.

Source: Adapted from the Organization of American States (2009)

## Background: Poverty context in the Eastern Caribbean

Despite middle-income categorization, countries in the Eastern Caribbean still face important challenges related to poverty. While per-capita GDP ranges from US\$10,988 for St Kitts and Nevis; US\$5,496 for St Lucia; and US\$5,335 for St Vincent and the Grenadines, (World Bank 2010) there remains significant pockets of poverty, with major sections of the population such as young people and single parents, experiencing higher levels of unemployment and poverty. In Antigua and Barbuda, "Poverty affects 18.4% of the population of which 3.7% are indigent or extremely poor."<sup>33</sup> (Blank 2009d) In St Vincent, St Kitts and Nevis, "Good social indicators (low levels of maternal and infant mortality, universal primary education, low fertility and increasing life expectancy) exist alongside high levels of poverty." In St Vincent, the number of people below the poverty line fell from 37.5% in 1996 to 30.2% in 2008; in St Kitts from 30.5% in 2000 to 23.7% in 2007; and in Nevis from 32.5% to 15.9%. (Blank 2009ac) In addition to this are the routine climate shocks that plague the region, particularly hurricanes, which many of the region's poor are unable to effectively prepare for, adapt to, or recover from, once they have occurred.

Governments in the Caribbean remain the main source of social protection in the region. The use of various social protection mechanisms are still the principal way through which governments ensure that the poor do not fall further into poverty, and that citizen productivity is not hampered by shocks. These social protection tools and the levels of quality support they provide vary, yet they will continue to play a role in ensuring that overall national development remains apace in the midst of poverty pressures and other unexpected challenges.

The discussion on social protection in the Caribbean will focus on non-contributory social safety nets, which serve to protect the poor and vulnerable from falling further into poverty. These safety nets contrast with contributory social protection measures, such as social insurance, which help people insure themselves against risk. The importance of social safety nets cannot be overstated, as the poor often lack stable and sufficient income to contribute to social insurance schemes and would otherwise lack protection from the worst shocks. Measures to provide social safety nets vary somewhat and range from cash transfers to labor market programs and in-kind transfers. To complement these programs, there are also less tried but highly innovative approaches to social protection such as Chile's Puente Program, which is currently being adapted to the Caribbean by governments in the region to improve the capacity of poor families. A brief description of this replication in St Lucia is provided in Box 2-2.

33. The indigent line is EC\$2,449 (US\$917) and the poverty line is EC\$6,318 (US\$2,366). The indigent poverty line is the minimum cost of obtaining the market cost of the basic food basket to satisfy the basic food requirement (2,400 kilocalories). The poverty line is established by adding to the indigent line an allowance for non-food basic needs consumption. This allowance is equivalent to the average non-food expenditure of the poorest 40% of the population.

## Social safety nets in the Eastern Caribbean

Table 2-1 provides some examples of social safety net programs implemented in three Caribbean countries.

### Strengths of social safety net policies and programs in the region

A principal strength of safety nets in the Caribbean is the range of support provided to poor families and how this illustrates a clear commitment to social protection. Despite small general populations, governments in the region have maintained social protection, and social assistance in particular, as important items in the development agenda. Governments in the Organisation of Eastern Caribbean States (OECS), for instance, have been known to fund up to 75% of social protection initiatives (Kairi 2009). In St Vincent and the Grenadines, there are approximately 30 different public social protection programs, demonstrating a commitment to a variety of support systems (Blank 2009c). On the flip side, such diversity runs the risk of contributing to fractionalization.

Governments in the region also display a commitment to human development by investing in young citizens, with a range of cash transfers, in-kind support and labor market programs targeted to children and adolescents. This is evidenced by many of the examples referenced in Table 2-1, ranging from school feeding programs, school transportation allowances and skills training programs. This commitment reveals the recognition that investment in children and youth, particularly in the realm of education, is critical to curbing the cycle of poverty.

### Challenges to effective safety net implementation – Gaps identified

#### Access

One major weakness routinely identified in assessments of social safety net initiatives in the region is the exclusion (unintended or unavoidable) of the majority of the poor. In the field of social protection, this problem is usually referred to as “exclusion errors.” For many reasons, including budget constraints, governments in the region find themselves only able to cover a limited segment of the poor population. According to safety net assessments for a variety of Caribbean nations (Blank 2009abc), some critical social groups, such as the working poor, out-of-school young people and single parents, have been commonly identified as being excluded, particularly for income support programs. In St Lucia, for example, where 28% of the population is poor (80% of whom

are employed and 50% under the age of 20) (Blank 2009b), this has serious implications for overall national development. The St Lucia Public Assistance Program reaches about 25% of the poor (Blank 2009b), while the St Kitts and Nevis Food Voucher Program only covers 4% of poor at 2009 expenditure levels. (Blank 2009a) In addition to the exclusion of eligible poor from various safety nets, ineligible and non-poor persons have been provided coverage. For instance, in St Kitts and Nevis, 21% of beneficiaries from a book loan program were from the wealthiest quintile, compared with only 17% from the poorest quintile (Blank 2009a). In St Vincent and the Grenadines, 32% of students from the wealthiest quintile received a free meal through the School Feeding Program, compared with only 22% from the poorest quintile (Blank 2009c).

#### Quality

Another identified weakness of social safety nets in the Caribbean is the limited quality of services. The St Lucia Social Safety Net Assessment (Blank 2009b) says: “St Lucia has achieved universal primary education; however, it has not realized its goals of universal secondary education and quality concerns dominate at all levels.” In St Kitts and Nevis, the Social Safety Net Assessment describes how “most households are owner-occupied houses,” but that, “quality of housing, particularly among the poor, is a concern.” Poor-quality programs are common among social protection systems in impoverished countries. With resources already stretched thin, a preference is often given by politicians or decision-makers of getting greater coverage at the cost of low quality. Coverage is an easier indicator to measure than quality and, therefore, it is also easier to highlight greater coverage than greater quality to a group of constituents.

#### Poverty reduction

Safety net programs in the region are known for being welfarist and reactive and could do more to promote opportunities, build resilience and tackle the key drivers of poverty. Social assistance in many of the countries is implemented as a uni-directional transaction with little emphasis on human capital development of the poor beneficiaries targeted. A recent assessment of safety net programs in OECS reinforced this, noting that approximately 36% of benefits in the region could be categorized as supportive in nature, while developmental and preventive benefits accounted for only 14% and 9% of benefits, respectively. (Kairi, 2009) There is therefore significant room for increasing the investment

**Table 2-1: A snapshot of safety net programs**

Transfer Category	Country	Examples of transfer
Cash transfer programs	St Lucia	Public Assistance Program.
	St Kitts and Nevis	Compassionate Grants, Poor Relief, Disability Grants, Food Vouchers, Foster Care Allowance.
	St Vincent and the Grenadines	Public Assistance, Elderly Assistance and Non-contributory Age Assistance Pension.
In-kind programs	St Lucia	Student Welfare Assistance, School Feeding Program, School Transportation Program, Roving Caregivers, Disaster Assistance, Burial Assistance.
	St Kitts and Nevis	Student Education and Learning Fund (SELF), School Feeding Program, Home Repair, Rental Allowance, Burial Assistance, Medical Expenses.
	St Vincent and the Grenadines	Book Loan Scheme, School Feeding Program, Roving Caregivers, Fee Waivers for Medical Care, Burial Assistance.
Labor Market Programs	St Lucia	Holistic Opportunities for Personal Empowerment (HOPE), Belfund, Job Search Assistance.
	St Kitts and Nevis	Job Search Assistance, National Skills Program.
	St Vincent and the Grenadines	Youth Empowerment Service, Road Cleaning and Road Maintenance programs, Job Search Assistance.

potential of social protection transfers to the poor by facilitating human capital development for those most vulnerable.

### Fragmentation

Another noted problem with safety nets in the Caribbean region is the institutional fragmentation in the delivery of services to the poor, with limited coordination and an over-lapping of roles. Average expenditures on programs are not low, yet the effect on poverty reduction remains limited. For instance, while the average for social assistance spending in the Latin America and Caribbean region stood at 1.4% of Gross Domestic Product (GDP), it was 2.2% for St Vincent and the Grenadines and 1.6% for St Kitts and Nevis, respectively (Blank 2009ac). Despite the higher spending in these Caribbean nations, service coverage and quality remains at less than desired levels. According to the Safety Net Assessment for Caribbean nations, in St Vincent and the Grenadines, for example, only 21.9% of students from the poorest quintile receive free meals under the School Feeding Programme, while in St Kitts and Nevis, the food voucher program reaches only 4% of the poor at 2009 expenditure levels. The assessments also noted that safety net programs are plagued by high levels of duplication which result in multiple agencies providing similar benefits to beneficiaries and consequently, higher administrative costs and other waste (Blank 2009bc).<sup>34</sup> As discussed earlier, the risk of having such a wide variety of social protection measures is that coordination and efficiency becomes more of a challenge. Improved consolidation and harmonization of institutional roles and responsibilities can reduce duplication and waste.

## A social guarantees lens for improving social protection systems

If social protection is understood as a tool of social policy then social guarantees could be understood as an overall framework for social policy design. If both concepts are mutually applied, i.e. the guarantees framework is used in the design of social protection systems, there is great potential for improving these poverty reduction mechanisms. This section will briefly describe social guarantees. It will then identify how they can provide opportunities for improving the coverage and quality of social protection services and strengthen long-term poverty reduction through human development. This analysis is timely, as many countries in the Caribbean are embarking on a reform of their social protection policies. For instance, the World Bank is currently working with the Government of Grenada in reforming their social safety net programs, specifically to improve human development outcomes of conditional cash transfer programs in the country.

### Description of the social guarantees approach

The definition of social guarantees centers on the use of “legal and administrative mechanisms that specify entitlements and obligations related to certain rights.” (Gacitúa-Marió et al 2009) The basic concept is to guarantee and make explicit the social rights that are implicitly expected from the state by its citizenry. Central to the concept of social guarantees are the five core dimensions, which specify the legal and administrative requirements for realizing the transition from implicit to explicit rights. These five “sub-guarantees” are:

- **Sub-guarantee of access:** Under this sub-guarantee, all those who are eligible for a particular guaranteed service, are able to access such services in a timely manner and for the duration of time needed;
- **Sub-guarantee of quality:** With this sub-guarantee, technical procedures to ensure and deliver guaranteed services are clearly defined according to established quality standards;
- **Sub-guarantee of financial protection:** For many persons entitled to a particular guaranteed service, cost of such services further hinders access. Under this sub-guarantee, those who cannot afford such services will be able to access them through financial commitments, provided either by the public or private sectors;
- **Sub-guarantee of continuous revision and participation:** Under this category, guaranteed services are periodically revised and citizens are given a voice in decisions on service delivery;
- **Sub-guarantee of redress:** Redress mechanisms are important, particularly in the discussion of rights that individuals are entitled to. This sub-guarantee ensures that individuals and groups can claim access to guaranteed services and the fulfillment of each sub-guarantee.

A social guarantees approach, therefore, enables governments to implement mechanisms for ensuring that rights, often discussed at a theoretical level, are clearly specified and brought to fruition. The approach can be an important tool for effective implementation or the monitoring and evaluation of policies and programs aimed at responding to certain entitlements. Chile’s experience in ensuring explicit guarantees in health provides a pragmatic example of this, summarized in Box 2-3. For other practical examples, please refer to Gacitúa-Marió and others’ (2009) *Building Equality and Opportunity through Social Guarantees: New Approaches to Public Policy and the Realization of Rights*, which highlights nine different country case studies.

### Practical complementarities between social guarantees and social protection

From the discussion above it can be seen that despite commitment from policy-makers in Eastern Caribbean nations to deliver quality and equitable social protection services, efforts are still falling short of reaching target populations with programming at the level of desired quality. Based on successes from other nations that have implemented rights-based approaches to social policy and possibilities identified on a theoretical level, a social guarantees approach under a supportive authorizing and financial environment, would likely lead to improvements in the access and quality of social protection systems.

A World Bank policy note (2008) provides examples of how the sub-guarantees of access and quality can improve the outcomes of both in the Caribbean context and are quoted at length here.

**Access:** “Jamaica offers an important example of how recognizing the human right to shelter through laws, policies and international treaties creates a normative framework that obligates the government to continually seek solutions to housing challenges that face citizens. Jamaica’s approach to provide citizens with access to housing dates back to 1955 with the establishment of the Housing Fund for emergency

34. Examples include the Basic Needs Trust Fund (BNTF) and the Social Investment Fund (SVGSIF) in St Vincent and the Grenadines, and multiple agencies providing overlapping benefits to students in St Lucia.

management and slum upgrading, and the Housing Act, which has become the corner stone of Jamaica's legal framework for shelter. Since then, the government has enacted several key housing policies, most notably the establishment of the National Housing Trust in 1976, whose mission at the outset was to increase and enhance the existing housing stock and provide financial assistance to the neediest contributors with funds collected through a mandatory payroll deduction and the 1982 National Housing policy, established to provide housing solutions for the growing Jamaican population. Other programs, such as the Inner City Housing Project, were geared to meet needs of specific societal sub-sectors and deal directly with barriers to access, such as rental fees and credit worthiness. While the benefits of the Jamaican laws and policies have not been evenly distributed across Jamaican society and needs remain, the existence of a legal framework that identifies access to housing as a right provides a strong platform for continued efforts to improve citizens' shelter." (World Bank 2008)

**Quality:** "A significant leap in securing and monitoring quality of primary education has also been registered in St Kitts and Nevis since the creation of its Curriculum Development Unit (CDU) in 1998. Universal access to primary education in the country was achieved since the early 1960s, yet few students completed the primary grades with sufficient knowledge to succeed in high school and dropout rates in secondary school exceeded 50%. Prior to 1998, each primary school was able to set its own curriculum and there was no standardized monitoring system to ensure quality of teaching and track performance. The CDU introduced a common curriculum and regular end-of-year exams in each primary school (public and private). These exams are used to assess the quality of teaching on a school-by-school basis and, where necessary, teacher trainings are organized within each school to address issues and improve performance. This has provided a regular mechanism to understand strengths and weaknesses both on the national and on the school or class level. Given the significant degree of success that was achieved (now 75% of students enter high school in the top bands while 25% are placed in lower streams), a similar initiative was just introduced at the secondary level in the core subjects of English and Mathematics." (World Bank 2008)

Furthermore, the social guarantees approach if applied in a focused manner would also reduce fragmentations and contribute to human development. The same World Bank policy note (2008) argues that social guarantees reduce fragmentation by enhancing the institutional capacity and, more importantly, the inter-institutional capacity that is required for an efficient allocation of resources. By contrast, improving human development or reducing other drivers of poverty is less a by-product of a social guarantees approach and more a result of decision-makers establishing human development as a priority. The social guarantees approach would simply improve the governance and inclusion of a particular system and provide the accountability required to turn this priority into an explicit right. This last point highlights an important reality of a social guarantee approach: it is a technical tool that can be used effectively to enhance social protection outcomes but is still constrained by the very real problems that have always plagued poverty reduction strategies.

### Box 2-3: Highlights of the regime of explicit guarantees in health, Chile

#### Problem

A dual system of health insurance service, one public and one private, characterized by:

- Lack of coordination;
- Varied quality and access to different socio-economic groups;
- Under-investment in preventive measures;
- Limited response to overall health objectives;
- Increased dissatisfaction by users.

#### Response

- Establishment of an Inter-Ministerial Committee;
- Multi-sector consultations;
- Legislative reform;
- Implementation of a coordinated mixed system;
- A list of health conditions with explicit guaranteed services provided to the population.

#### Sub-guarantees

- Access: Guaranteed services must be provided for the health conditions established by law for all users;
- Quality: Health services must be provided by registered and accredited providers and certain protocols must be adhered to;
- Opportunity: Identification of set times for diagnosis, treatment and follow-up care;
- Financial Protection: Defined limits for out-of-pocket costs for health services;
- Redress: Facilitated through the Office of the Superintendent of Health and insurance providers.

#### Conclusion

Social guarantees provided a mechanism through which the Government of Chile could facilitate redistribution of health services, often skewed in favor of those with higher income levels and health conditions with lower levels of risk. The implementation of explicit guarantees and the legal mechanisms to facilitate their effective enforcement, implementation and review illustrate the utility of social guarantees as a tool to ensure that rights are realized.

Source: Adapted from Moreno and Rosenbluth, 2009.

### Limitations of the social guarantees approach

Above it is demonstrated how the social guarantees approach can improve four major shortcomings in the delivery of social protection services in the Eastern Caribbean, namely exclusion errors, limited quality, fragmentation (waste) and lack of long-term human development. However, in order to achieve these objectives, it is necessary that four policy domains be in place. These policy domains can be understood as legal; institutional; instrumental (or programmatic); and financial. Specifically, the legal domain requires that specific mechanisms outlining accountabilities and roles – as well as affirming the commitment to equitable delivery and access to redress – are codified. The institutional domain requires specific arrangements or structures of the state, private sector and civil society to secure the budget, implement and monitor programs and enable individuals and groups without access to claim their rights. This may also require a dramatic cultural shift within the institutions to think in terms of rights and not simply benefits. In practice, this amounts to a change in language in order to better understand services and benefits. Additionally, provider organizations and internal management need to fulfill their duties in a much more demanding way. This implies that practitioners must have detailed knowledge on the specific functions of the guarantee mechanism. The instrumental domain requires the establishment of the programs and policies

that would ensure the realization of the guarantee. This includes a system of informing the citizenry of new policies, new rights and other reforms so that the burden of improving inclusion and raising participation does not fall completely to the provider institutions, but also to citizens themselves. Finally, the financial domain requires that sufficient provisions are available in order to allocate adequate resources for the delivery of the overall policy framework – as well as its component parts.

Meeting the requirements of these policy domains is critical for the implementation of the social guarantees approach. In other words, to successfully establish a system of social guarantees, it is important that laws, which may require major legislative efforts, are in place and institutions that may be plagued by corruption become transparent and accountable. Further, instruments that ministries may not have the capacity to utilize need to be developed, and financial resources that may not exist made available to guarantee the robust delivery of services. Unfortunately, the policy domains are only as strong as their weakest link, meaning the failure of any one of the individual domains can lead to the failing of the entire system of social guarantees.

Addressing these very practical limitations is largely determined by factors exogenous to the social guarantees framework. These external factors include having a sufficiently large budget to establish and maintain reforms and the presence of political leaders and decision-makers willing to make the difficult choices and political sacrifices needed to push through important legislative reforms. Other factors endogenous to the social guarantees approach can improve certain limitations. These include reducing the corruption, clientelism or graft that hamper institutions by increasing transparency and accountability, and attaining the buy-in from powerful interest groups by appealing to all citizens and not just the most vulnerable or powerless populations.<sup>35</sup> This will require outreach efforts and, as mentioned before, a system of collecting and providing accurate information to rights-holders.

## Synergies between social protection and social guarantees

Beyond the practical merits of utilizing a social guarantees approach to enhance social protection outcomes, there are also theoretical synergies that are bringing the two concepts together. Social protection remains a critical component in providing income security mainly through public measures for individuals with a limited ability to cope with income pressures and shocks. Yet, this concept has often been viewed as welfarist and reactive. However, there has been a strategic shift by some practitioners to view social protection as a critical component of social policy. Further, it is seen as an instrument to foster human and economic development and a way to rethink redistribution and expand opportunities for all.

The repositioning of social protection from merely a support mechanism to one that facilitates development and fosters citizenship, enables practitioners to address the root causes of poverty, rather than provide a temporary Band-Aid for a larger problem. An example of this repositioning of social protection in the inclusive growth agenda is the World Bank's (forthcoming) Social Protection Strategy for 2012-2022 *Building Resilience and Opportunity*. It encompasses the relevant prevention, protection

and promotion functions to all individuals and households who need them, particularly with a view to promoting the opportunities and behaviors that foster human and economic development. This new strategy is centered on four thematic action areas:

- Building social protection systems appropriate to capacity and context to address an “integration gap,” which occurs due to fragmentation, lack of harmonization and overlap in roles and responsibilities during implementation;
- Strengthening the focus on low income countries and fragile states to address a “coverage gap,” where coverage is often lower for low-income countries;
- Emphasizing “promotion” as a goal of social protection when designing programs and systems to address a “promotion gap” where social protection programs do not effectively link the poor to the labor market; and
- Continued investment in knowledge to address a “knowledge and results gap.”

This changing conceptualization of social protection is correlated with increased efforts to ensure that certain social rights are realized. In particular, the Universal Declaration of Human Rights (1948) has several articles that are directly linked to social protection policy and programming. Despite this, many people still find themselves unable to access social security when faced with the unexpected challenges of unemployment, sickness, disability and old age. Social protection therefore plays a role as a tool to provide security for the population, especially for those with increased risk of falling further into poverty, and those experiencing income and personal shocks which debilitate their ability to lead productive lives.

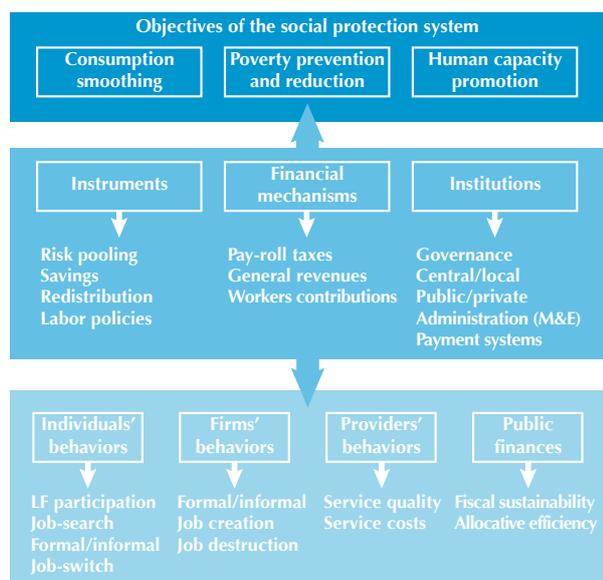
In its latest stock-taking of the social protection landscape in the region, the World Bank (2010) proposed transitioning from “right to reality” by developing a framework for building effective social protection systems in Latin America (See figure 2-2).

Another example of the on-going strategic rethinking of social protection is the United Nations Social Protection Floor (SPF) initiative, which aims to reconcile a rights-based approach with an understanding of the instruments necessary to achieve the realization of such rights (SPF, 2009). By recognizing social protection as a human rights obligation, the SPF promotes coverage of society's most vulnerable through an emphasis on two principal elements: (i) social rights and transfers, and (ii) social services, which should be guaranteed to the poor. The SPF also promotes inter-organizational coordination to ensure that a society's most vulnerable are guaranteed coverage, protection and do not fall below a particular “floor” level. This ensures that their essential human rights are not compromised, particularly in times of crises.

These ongoing conceptualizations of social protection reveal that organizations and governments continue to rethink the concept in ways that run parallel to social guarantees. This rethinking of social protection is transformative in nature and open to constant revision. It revolves around key themes including human rights, human capital and redistribution, and aims at improving the coverage and quality of services – all key attributes of the social guarantees approach.

35. For more information on the dynamics behind how the social guarantees approach can improve these policy domains refer to Gacitúa-Marió et al (2009).

**Figure 2-2: From right to reality:  
A framework for building effective social protection systems in Latin America**



Source: Ribe, Robalino and Walker, 2010

## Recommendations

The discussion on social protection in select Caribbean countries points to several shortcomings in effective implementation. Ensuring that eligible populations are reached, quality services are delivered, institutional fragmentation and waste are reduced, investments in human capital are made and legitimacy and confidence is fostered, are important concerns. Guaranteeing that social protection is realized as a right therefore provides a results-oriented mechanism for addressing these concerns. The following recommendations are provided with the view that a social guarantees framework should be more directly integrated into the social protection agenda as a practical tool for improving coverage, quality and efficiency. In addition, the creation of a single critical roadmap for social protection through the convergence of these analytical and conceptual frameworks is necessary for system building. This ensures better human development outcomes and shifts the view of social protection from one of clientelism to one grounded in citizenship. Specifically, attention should be paid to:

1. **Encourage and facilitate stakeholder consultations and awareness in the design and execution of social protection strategies through continuous revision and participation:** Chile's experience with REGH illustrates the importance of involving stakeholders. Total consensus is often unattainable but dissatisfaction with service delivery is usually more difficult to ignore. Actively involving key stakeholders, including the poor, in the design, implementation and execution of social protection strategies, not only builds consensus but also facilitates the building of capacity of key stakeholder groups, particularly the poor. Additionally, this assists with overcoming vested interests and polarization. Constant revision of social protection strategies, in

tandem with such stakeholder involvement, also ensures adaptability of social protection strategies to changing societal needs;

2. **Build-in adequate redress mechanisms for beneficiaries of social protection:** Ambiguously outlined policies and redress mechanisms can result in ad-hoc arrangements for the settlement of claims. This often has negative consequences for the overall image of transparency and fairness in social protection strategies. Facilitating legally enforced redress mechanisms ensures the necessary transparency and accountability for buy-in, particularly in times of reform and institutional and systemic changes;

3. **Re-orient social protection to reflect a social-fiscal pact between citizens and government, with clear responsibilities on both sides:** A principal objective of social protection is ensuring human capital development. Recent reforms in social protection systems have focused on ways of ensuring that the development of human capital among beneficiaries is effectively realized. The concept of a social pact between governments and citizens, central to the discussion on social guarantees, is also useful in understanding how human capital development could be conceptualized in the implementation of social protection strategies. Conditional cash transfers provide an excellent example of this social-fiscal pact. With this, cash transfers to the poor are conditioned on certain co-responsibilities on the part of the state and beneficiaries. Co-responsibilities on the part of beneficiaries are usually tied to investments in human capital, such as school attendance. This conceptualization illustrates the potential of partnerships between government and its citizens, particularly the poor. By providing financial support to build human capital, the benefactor will become the beneficiary of a more productive work force, a stronger economy and stronger society in general;

4. **Design social protection tools by using a social guarantees approach and other modern tools:** The discussion on safety nets in the Caribbean revealed that difficulties in achieving total access and high-quality services for the eligible poor was a major hurdle to be overcome. The sub-guarantees of access and quality, backed by adequate financing and supported throughout by processes of continuous revision and redress mechanisms, provide an opportunity to tackle long-standing problems associated with social protection in the Caribbean. There also exist other modern tools such as Proxy Means Testing (PMT) and Management Information Systems (MISs), which can be used to reduce errors of inclusion. These tools, combined with the social guarantees approach, will assist in creating greater transparency and as a consequence increasing legitimacy around social protection systems.

# Chapter 3

## Applying the Social Guarantees Approach:

### Practical Considerations for the Caribbean

Dr. Anthony George<sup>36</sup> and Maximillian Ashwill<sup>37</sup>

**T**he purpose of this paper is to describe the regional and contextual underpinnings of applying a social guarantees approach to social policy in the Eastern Caribbean. This has evolved from the March 2011 Workshop on Virtual Learning for Effective Social Policy in St Lucia. The workshop was the culmination of a year-long experience exchange initiative called, “sharing best practices on social policy and program implementation based on the Chile social guarantees approach.” It was sponsored by the Social Development Unit of the Latin America and Caribbean region of the World Bank and supported by the Department of Social Development and Employment of the OAS. Stemming from this, a community of social development and social protection practitioners from social ministries in seven Caribbean nations uniformly and informally voiced a desire to understand the practicality of applying a social guarantees framework to their specific countries. To meet this objective, this paper will give a basic picture of poverty and development in the Caribbean and provide a regional background to the four policy domains already identified (legal, institutional, instrumental and financial) of the social guarantees approach. Later we will examine possible applications of this framework and provide recommendations on how best to move forward.

#### Poverty and development in the Caribbean

The 20th century was “the age of global development and poverty.”<sup>38</sup> In the last three decades of the 20th century, the small-island states of the region made tremendous advances and experienced extensive changes in their political, economic and social landscapes (OECS 2002). These successes are evident in a range of ways. These include the rise of national identities, regional agreements and institutions; positive human development indicators; improved physical infrastructure and telecommunications, diversification of colonial economies and variable economic growth rates (McIntyre 2000, Thomas 2005). An examination of the poor living conditions and low

quality of life in the 1930s, which resulted in a series of strikes and riots in the Caribbean islands (see Moyne Commission Report 1940), showcases the impressive development of Caribbean societies and economies.

In addition, there have been recognizable advances in the socio-cultural consciousness of the peoples of the region. Distinct cultural identities and associations emerged as the Caribbean excelled in the arts, sports and entertainment. Two of the most celebrated representations of this are the West Indies cricket culture and the University of the West Indies. These institutions connect to and embrace the diversity and tensions of social, economic and political life in the region. Furthermore, the islands benefit from an idyllic natural environment of fertile valleys, tropical rain forests, unspoiled beaches, geo-thermal pools and picturesque countryside. These provided impetus for the development of viable economic sectors, human resources, livelihood strategies and community development. Helleiner (2001) observes that the attainment and conservation of such notable achievements by the small economically vulnerable countries of the region highlight the people’s tenacity, ingenuity and spirit.

The focus, however, when discussing development in the Caribbean, is on the persistent problems of poverty, vulnerability and inequalities. It involves a significant body of literature which contends that, despite the significant changes associated with the global economic, geo-political and socio-cultural systems and processes, small Caribbean island states have experienced mixed outcomes and an inability to surmount the deep-seated constraints of poverty. These persistent constraints and the increased disparities in income, wealth, access to social services and opportunities are highly evident despite significant advances in health, human resources, natural capital and economic growth in the region (Henry-Lee, 2004).

The islands’ natural and physical environment and socio-cultural relations – white sandy beaches, favorable temperatures and warm hospitality of their people and services – are constructed

36. St Lucia Social Development Fund (SSDF).

37. Social Development Unit, Latin America and the Caribbean Region, The World Bank.

in tourism marketing strategies as “paradise.” This construct of “paradise” is contrasted with the Country Poverty Assessments (CPAs) commissioned by the Caribbean Development Bank (CDB) within selected Caribbean states from 1996 to 2006 mapping the islands as “geographies of poverty.” Hence, two competing discourses of “Poverty in Paradise.”

Five significant features of the construction of poverty and inequalities in the Caribbean are identified accordingly:

- In 12 of the 13 islands, more than 15% of the population are living below the poverty line (Bourne 2005, Thomas and Wint 2002);
- 11 of the 13 islands have a Gini-coefficient greater than 0.30 indicating marked levels of inequality (Bourne 2005, Thomas and Wint 2002);
- Eight of the 13 islands have more than 10% of their population below the indigence line (Gafar 1998, UNDP 2005);
- Eight of the 13 islands report having a poverty gap greater than 5.0 (Bourne 2005, Thomas and Wint 2002, Gafar 1998); and
- Seven of the 13 islands have registered poverty severity higher than 3.0 (UNDP 2005).

In the early 21st century, the region is at a defining moment, addressing adverse vulnerabilities, special development challenges and uncertain new opportunities within its peculiar socio-economic, politico-cultural and historical milieu. Anstey (2005) recognizes dangerous slippages in unemployment, inequality, extreme poverty, exclusion, reliance on traditional markets (e.g. restructuring of the banana and sugar industries), and preferential trading arrangements, which are eroding social gains. The dramatic increases in petrol, oil and food prices, and the reality of a global recession and impacts from climate change, further complicate the heightened vulnerabilities of these developing nations. Though national strategies and action plans were formulated and significant resources allocated, immense challenges continue to bedevil national efforts to reduce poverty within Caribbean states (Arias 2004). Given this confluence of factors – longstanding problems complicated by recent developments – new strategies must be developed and considered for overcoming development challenges.

## The policy domains of social guarantees in the Caribbean

In order to fully understand how a social guarantees approach can be applied to the Caribbean one needs first to understand the regional history and the background to the policy domains in which decision-making in the regions occurs. The four policy domains are: (1) Legal i.e. what is the legal and historical basis for applying a rights-based approach in the region? (2) Institutional i.e. what institutions are involved in this decision-making? (3) Instrumental i.e. what instruments, policies and programs are being implemented in the region in regards to social policy? (4) Financial i.e. what is the financial situation for applying such framework? Table 3-1 shows the monitoring framework developed by Gacitúa-Marió and others (2009).

**Table 3 - 1: Monitoring framework of social guarantees, including the five sub-guarantees and four policy domains**

Domains and sub-dimensions of social guarantees					
Sub-guarantee			Financial protection	Continuous revision and participation	
Policy domain	Access	Quality			Redress
Legal					
Institutional					
Instrumental					
Financial					

Source: Gacitúa-Marió et al. 2009

### Legal Domain

Caribbean society, polity and economy emerged from centuries of colonialism and plantation slavery. Some positive contributions of the colonial era include the organization of healthcare, education, transportation and judicial systems, and governance and economic activities. These are all identified as necessary conditions to political, economic and human development (Potter et al 2008). On the other hand, Rodney (1972), Cesaire (1974) and Williams (1971) also identify significant political, social and economic inequalities and underdevelopment as detrimental consequences of colonialism in the Caribbean. Some of the key conditions include: economic dependence on European colonizers; plural societies of rigid socio-economic classes, and the loss of power to determine the destiny of the Caribbean region. At no point was European influence complete. Instead, different forms of internal struggle were adopted away from the European gaze as Caribbean people attempted to define themselves and their futures in their own terms.

This historical consciousness of colonialism and plantation slavery should have promoted a greater commitment to the realization of “rights” in the Caribbean. However, without concrete mechanisms in place, citizens’ rights are oftentimes trivialized or undermined and reporting or redress of violations is routinely neglected. The islands have made significant legislative provisions in the declaration of human rights and fundamental freedoms, as enshrined within their national constitutions and relationships with international organizations. Lloyd Barnett (2008) in his retrospective assessment of human rights in the Caribbean argued that:

“By the time Caribbean Constitutions came to be drafted the Universal Declaration of Human Rights had been proclaimed, the European and American Human Rights Conventions were in place (...) In accordance with this pervasive and persuasive philosophy, the universally recognized fundamental rights and freedoms (...) are guaranteed by the Constitutions and are frequently entrenched as a protection against facile legislative abolition or derogation” (Barnett 2008:9)

The declaration of basic human rights, freedoms and the protection of citizens are considered desirable for holistic development among Caribbean nations and inevitable for the well-being of the region’s population. As a result, successive Caribbean governments have adopted, are signatories to, and

ratified a plethora of international conventions promoting the rights, protection and development of diverse groups. These include women, older persons, persons with disabilities and young persons. In addition, government policies, strategies and agencies, working in partnership with civil society and citizens, seek to address the specific needs and challenges for the practical realization of such rights. The idea of citizens' rights are accepted, promoted and defended among Caribbean nations as well as regional institutions and agreements yet there are unremitting challenges to the application of a social guarantees framework. The idea of citizens' rights must be translated into the practical realization of legitimate claims within our societies. (Sen 1999) The declaration and ratification of international conventions and the Millennium Development Goals (MDGs) are still abstractly defined in the Caribbean and in order to achieve results, they must be matched with clearly articulated mechanisms, processes and outcomes that guarantee the maximum fulfillment of such rights and goals.

Caribbean population structures, composition and dynamics provide further insights to the development challenges and the realization of citizens' rights among the nations. The age-specific needs of an aging population and deafening appeals for youth employment opportunities are critical areas of attention in guaranteeing basic rights. The significant gender inequities and related poverty implications are also evident. (Little and Triest 2002) There exists the need to address the specific needs of men and women and to create opportunities, equitable access, participation and empowerment of both sexes in decision-making and delivery of social safety net programs. One of the often-cited inhibitors to the effective delivery of these program benefits is the paternalism exercised through discretionary decision making of administrators and illegitimate claims made via political patronage. Strategies to ensure access, quality, redress, participation and financial protection to citizens as rights-holders and not clients, beneficiaries, subjects and numerous stereotypes can be harnessed to facilitate greater transparency and accountability through a social guarantees framework.

## **Institutional domain**

### **International**

The small island developing states of the Caribbean are positioned within a regional and international framework characterized by powerful economic and geopolitical blocs. These geo-political and economic formations largely influence the declaration, realization and/or non-realization of citizens' rights in the region. The islands' longstanding historical relationship with Britain largely shaped its trading relationships. This arrangement was advanced on the premise of "special and differential status," and the islands' small size and viability in the increasingly globalised economy (CDB 2007). However, the creation of the North America Free Trade Association (NAFTA); integration of Central America countries in the Caribbean Basin Initiative (CBI); unification of Europe in the European Union (EU), and the establishment of the World Trade Organization (WTO) precipitated socio-economic challenges for the small islands. This resulted in the decline of the major economic sectors of bananas and sugar with detrimental effects within entire communities and among the citizenry.

A glut of institutions and geo-political formations together influence, manage and regulate the legal, institutional, instrumental and fiscal domains within the islands. These institutions include the World Bank, International Monetary Fund (IMF), Caribbean Development Bank (CDB), Eastern Caribbean Central Bank (ECCB), United Nations agencies, EU, WTO, Organisation for Economic Cooperation and Development (OECD), the Caribbean Community (CARICOM), OECS, among many others. The islands continue to foster trade and enjoy access to markets and trade relationships in the North Atlantic through CBI, Caribbean-Canadian Trade Agreement (CaribCan), as well as African, Caribbean and Pacific/European Union (ACP/EU) relations. For example, the geo-political issue of proximity to the United States of America brings to the fore the establishment of a Regional Security System to combat the trans-shipment of illegal drugs, potential terror threats and illegal migration.

CARICOM remains the central regional economic grouping with the creation of a Caribbean Single Market and Economy (CSME) in 1989. The shared history, geography, culture, identity, judicial, economic and political cooperation promote Caribbean citizenry and regional commitments to promoting human rights and fundamental freedom. Eight of the eastern Caribbean islands share a common central bank and currency, ECCB and Eastern Caribbean dollar (EC\$), respectively. Moreover, the establishment of shared governance, economic and socio-cultural relations among the Eastern Caribbean states through OECS provides opportunities for collective action to strengthen the social contract between the sub-regional citizens and states.

### **Local**

Through "communal bonds of mutual support" and "trans-local linkages of assistance and gifts," local communities adopt sustainable strategies to guarantee citizens' rights. Local institutions and communities engage in multiple economic practices, relations and enterprises that contribute to their material survival, social resilience and cultural identities. Local communities display greater linkages and exchanges of resources, capabilities, relations and networks among social groups and dispersed geographies for the realization of basic human rights among residents. There are significant market transactions among households, communities and private enterprises within the agricultural sector. The local fishing and farming sectors within communities represent private fishing and farming enterprises, which provide significant livelihood opportunities, employment and income. Yet the communal relations, networks of support and alternative "forms of struggle" evident within the "fishermen's cove" and farming communities belie any indication of discrete or autonomous enterprises. They display important socio-cultural relations and linkages designed to guarantee a minimum level of socio-economic security among citizens.

For example, the impact of the restructuring of the banana industry in St Lucia and Dominica contributed to the social transformation of community life and reconfiguration of livelihoods and economic practices. The implications of such a downturn in the economic fortunes included an

increase in unemployment, the modernization of communal practices such as the *koudmen* (unpaid or voluntary communal labor practice), and the growing phenomena of short-term employment opportunities and minimum wages. Through the exchanges and linkages between and within varying market and non-market transactions, communities translated their social relation and networks into conditions of hope to guarantee basic human needs and promote the rights of citizens. Non-market practices of domestic food production and reciprocity, as well as community care work were invaluable to the survival, wellbeing, rights and identity of citizens.

### **Instrumental domain**

In responding to conditions of poverty, inequality and vulnerability, governments of sovereign Caribbean States have embarked upon a number of institutional mechanisms, programs and projects as well as policy statements and conventions in an effort to fulfill their commitments to sustainable poverty reduction. These efforts are usually undertaken jointly with the international donor agencies and financial institutions listed above though about three-quarters of social protection projects are funded at least partially by Eastern Caribbean governments (Kairi 2009). Each of these governments implements various poverty reduction or social protection projects and other social policies. These instruments range from contributory safety nets like social or risk insurance programs to non-contributory mechanisms like conditional cash transfers. It is beyond the scope of this paper to compile a complete list of the region's social policy instruments since descriptions of these are technical and vary greatly between countries. For a more complete account of these programs and policies refer to Chapter 2 (Ashwill, Williams and Subran 2011) of this volume.

### **Financial domain**

Financial constraints act as an important limitation to the realization of adequate socio-economic security of Caribbean citizens. The recurrent fiscal constraints identified by Ministries of Finance within the region serve as sufficient justification to cut back on social spending designed to guarantee adequate services and programs to citizens. (Ramsaran 1999) The impact of the food, fuel and financial crises and natural disasters (particularly earthquakes and hurricanes) in the Caribbean region over the past five years have undermined the realization of basic rights, services and opportunities among citizens. As a result of these special development challenges, there is an alarming lack of adherence to domestic rights commitments made in securing a minimum level of socio-economic well-being for Caribbean citizens. In addition, according to Nadelman and others (2009), "social service provisioning has proved susceptible to the vicissitudes of the economic and political environment, expanding in times of growth and contracting in leaner times." The unacceptable high rates of indigence, poverty, vulnerability and inequalities among individual Caribbean populations, households and islands are indicative of a regional failure to translate the rhetoric of international conventions and declarations of rights for at-risk groups into meaningful outcomes.

## **Applying the social guarantees approach**

The World Bank in its efforts to explore new frontiers of social policy conceptualized the social guarantees approach as a means of building greater equality and opportunity for the delivery of services and realization of rights. This exploration of the social guarantees approach to public policy seeks to investigate the multiple dimensions of legal, institutional, instrumental (policies and programs) and financial frameworks for ensuring the delivery of fundamental human rights. It seeks to move beyond the declaration of citizens' rights to the empowerment of people towards equitable opportunities and social justice. The approach shifts the debate from the emphasis of vulnerability and deprivation to broader development goals and a practical framework to enhance the capacity of states.

Two major emphases of the social guarantees approach include transforming institutions and people. On the one hand, institutions become more inclusive, responsive and accountable and on the other, citizens are empowered with rights and responsibilities. The social guarantees approach emphasizes the importance of citizens' access, quality services, financial protection, mechanisms for redress and the strengthening of the social contract between citizens and states. It is premised on the assumption that a political voice, legally protected status and a minimal level of socio-economic security are necessary for effective citizenship. It recognizes that market imperfections, state (in)effectiveness and structural inequities remain persistent challenges to the realization of citizens' rights (Dani 2009). It addresses the concrete standards and entitlements against which citizens can make claims and secure enjoyment of social and economic rights (Norton et al 2009).

The social guarantees approach seeks to establish a clear framework for achieving the access, quality, financial protection, continuous participatory revision and redress mechanisms needed to realize rights as articulated through social policy. The approach offers three varying applications: a framework for the design of social policy; a strengthening of on-going social policy instruments; and a monitoring tool. By extension, each application is dependent on regional and context-specific issues. Below are brief descriptions of how each of the applications can be used and their respective viabilities in the Caribbean:

1. **A practical methodology for social policy design and implementation.** This framework is useful as an approach to engage policy-makers, technocrats, practitioners, civil society groups and citizens in broad-based consultations on the design and implementation of citizens' rights. The social guarantees framework provides invaluable insights into the policy domains and the sub-guarantees for the maximum fulfillment of the social and economic well-being of citizens.

The viability of this application is very difficult to predict. Much of how well a rights-based approach can be used is predicated on how far a given political leader is willing to take it. How much political capital are national leaders willing to spend? Do they have a sufficient mandate in making reforms that impact such a broad portion of social

policy? Do they have the sufficient legal, economic, political and personal tools needed to engage in such reforms? These questions are impossible to answer generally and only slightly less difficult to answer on a case-by-case basis without engaging in an on-going and serious dialogue with political leaders. As an aside, one unique opportunity to using the social guarantees approach to design social policy in the Caribbean is that given the common cultures, languages, institutions, economies, political structures and histories of the CARICOM countries, a possibility may exist in applying such an approach on a regional, and not just a national or sub-national, scale.

- II. **Strategies to combat and cope with the bureaucracy, professionalism and political patronage by applying the social guarantees approach to on-going social policy instruments.** The realization of legitimate claims by citizens is better-served through a mechanism that clearly defines and ensures entitlement rights for the respective rights-holders. It also militates against the discretionary decision-making of bureaucrats and safeguards programs from ineligible political patronage.

Using a social guarantees approach to strengthen social policy instruments is a viable and suggested application. These programs and policies are in need of a more holistic approach to implementation that incorporates equally guarantees of access, quality, financial protection, revision and redress. In order to do this, a more serious dialogue must take place among relevant government ministries on applying this approach to specific programs.

- III. **A tool of assessment, analysis and monitoring.** The application of the social guarantees approach provides opportunities to review the efficiency and effectiveness of the institutional arrangements, processes and outcomes in the delivery of services and effective implementation of declared norms.

This application represents the least dramatic change to social policy of the three and for this reason may be the easiest to implement now. Implementation would simply require organizing ministries to use the framework as a monitoring tool for specific sectoral programs or social policy in general. This would mean measuring performance indicators against the five sub-guarantees (access, quality, financial protection, continuous revision and redress) and the four policy domains (legal, institutional, instrumental and financial) (Gacitúa-Marió et al 2009 and refer to Table 3-1). This application would not likely lead to the overall policy implementation of a rights-based approach, unless it was accompanied by the requisite political will at the highest levels of government. However, such an application could at least begin the dialogue towards such a reform. The results from this monitoring would likely be disheartening to government officials, who will come face-to-face with shortcomings in social policies and programs, especially as they relate to access and quality. As a consequence, using the approach as a monitoring tool will create a keen eye for these deficiencies and provide an objective framework that

can be used to improve weaknesses. In other words, besides this application being a valuable tool for monitoring, it would also serve as a manner to advocate for a more holistic or rights-based approach to policy design.

To begin to train social protection and social development ministries in these concepts would not be difficult given much of the structure is already in place. The OAS is currently engaged in the Puente in the Caribbean Program based on Chile's Puente Program (already discussed in Chapter 2). Experts in Chilean social policy have been engaged with this Caribbean community of practice on an extensive knowledge exchange program and using this arrangement to begin a dialogue on social guarantees is a logical next step. Further, a consensus emerged among the community of practitioners from seven Eastern Caribbean nations following the workshop in St Lucia in March 2011 (already discussed) to explore the social guarantees approach further. Given that this community is composed of those on the frontlines of the fight against poverty and exclusion, the conditions exist for initiating a monitoring application.

## Some practical considerations for the Caribbean: Imagining development differently

In outlining some practical considerations for the Caribbean in the application of the social guarantees approach, it becomes necessary to challenge some of the region's ideas and practices of development. First, Caribbean citizens should deconstruct the idea that the region and people are characterized by high rates of persistent poverty, vulnerabilities, inequalities, unemployment, violence, drugs and a host of socio-economic problems. The language of deprivation, deficiencies and absences must be reconstructed to understanding and exploring the endless possibilities within the region.

Thus, an imagination of the multiple linkages and exchanges of assets, resources, capabilities and networks within the region and beyond, must be drawn to the center. In addition, possibilities for small-scale, place-specific, citizen-owned and controlled development initiatives should be a fundamental principle for action. (Barclay, Henry and James 2000) Finally, there is the need to identify the diverse community economies, new social movements and cultural diversities in the region. These efforts are necessary to promote regional and national ownership, citizens' empowerment and a critical engagement with the political. Five practical considerations are identified, which would begin to address some desired changes within the Caribbean landscapes:

1. **The formation of a rights consciousness where citizens are regarded as "rights-holders."** It is important that the region begins to imagine and create greater awareness of rights, entitlements, legitimate claims and responsibilities among citizens. Policies and practices must seek to empower citizens with a political voice, providing a legally-protected status and advocating for a satisfactory level of socio-economic security as "citizens" not "beneficiaries," "clients" or "welfare recipients;"

2. The region must foster a **greater commitment to legislative amendments and institutional changes** that guarantee the social and economic rights of all citizens and improve their well-being. It is inappropriate that the social legislation and policies which govern the entitlements, rights and delivery of these services, are dated draft documents and/or not ratified over extensive periods;
3. Rethinking ideas, practices and interventions in social policy and services given that **social policy is not merely about the social sector but integrates all of life**. It is within the domain of social policy to integrate the multiple dimensions of life including the social, economic, political and environmental;
4. **Utilizing the social guarantees approach as a tool and organizing principle to assess, monitor and reform current social programs**. This will enable a greater understanding and appreciation of the critical sub-guarantees, ensuring equitable access, quality, financial protection, continuous revision and participation and mechanisms for redress; and
5. **Anchor the delivery of social policy in the legal, institutional, programmatic and fiscal dimensions** and not just programs and projects. The over-riding emphasis within the Caribbean region's human and community development sectors is placed upon the delivery of programs and the implementation of projects. Whereas such investments are invaluable, equal attention should be placed on the aforementioned dimensions. This is summarized accordingly:

“Even the best-formulated social services entitlements and frameworks for social equity would not have an impact without adequate financing. Thus a fiscal agreement ... and a funding plan for any guaranteed service or program are pre-requisites for a functioning guarantee, along with its legal, institutional and programmatic dimensions... The plan's viability thus depends on a fiscal pact yet to be consolidated among economic, financial, [political] and social authorities.” (Norton et al 2009:13)

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This paper is dedicated to celebrating the life and memory of Estanislao Gacitúa-Marió who passed away early in 2011. It builds on one of the many areas of development theory and practice where he made an outstanding contribution and produced original, insightful, compassionate, humane and creative work of wonderful quality. For all of those who had the privilege of working with him, he was an inspiration. The paper is offered in the spirit of his deep commitment to social justice, and to continue to work towards realizing his vision of human possibility and transformation.

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