

## UNIT 2: The Importance of Human Rights to Democracy, Governance and Development

### Learning Objectives

#### Human Rights and National Development

After studying this unit, you should be able to:

- Understand the value and uses of human rights for deepening democracy.;
- Understand the role human rights plays in securing good governance in a society and nation;
- Realize the potential that human rights can help foster for pro-poor development.

### **Introduction and Overview**

There is now an acceptance among the international community about the centrality of human rights and their importance in democracy and development. This unit explores the link between human rights, democracy, good governance and pro-poor development. It emphasizes that human rights protection is indispensable to entrenching substantive democracy and promoting pro-poor development.

### **Common Roots of Democracy and Human Rights**

*"My notion of democracy is that under it the weakest should have the same opportunity as the strongest."*

- Mahatma Gandhi (1869-1948), leader of India's non-violent struggle for freedom

The greatest protection of human rights emanates from a democratic framework grounded in the rule of law. A functional democracy that accommodates diversity is increasingly becoming the planet's best bet against the concentration of power in the hands of a few and the abuse that inevitably results from it. The Commonwealth too, rejects foreign domination, authoritarian dictatorships, military regimes and one-party rule. All nations of the Commonwealth have chosen democracy as their preferred form of government and this is affirmed in the official position that undemocratic nations are not welcome in this community of nations wedded to the principles of liberty and democratic political processes that are spelt out in the Singapore Declaration, 1971. Yet the challenge before the Commonwealth today is to deepen this democracy from just its basic electoral form into a common enterprise between people and government. While the strength and level of democracy in different parts of the Commonwealth may vary, the human rights framework offers the key means to move from basic electoral democracy to the fully-fledged version.

The principle that 'all power ultimately rests with the people and must be exercised with their consent' lies at the heart of democracy. Democracy is premised on the recognition and protection of people's right to have a say in all decision making processes which is itself based on the central principle of equality of all human beings. The exercise of this fundamental political right requires a guarantee of crucial freedoms –to express one's thoughts and opinion without fear, to seek and receive information, to form associations and to assemble in a peaceful manner to discuss public affairs amongst others. Accommodation of the views of minorities is essential to prevent democracy from degenerating into despotism by the majority. The purpose of democracy like that of human rights protection is to uphold the dignity of every individual and to ensure that the voices of the weakest are also heard. Its core values –freedom, equality, fraternity, accommodation of diversity and the assurance of justice underpin the norms of human rights as well.

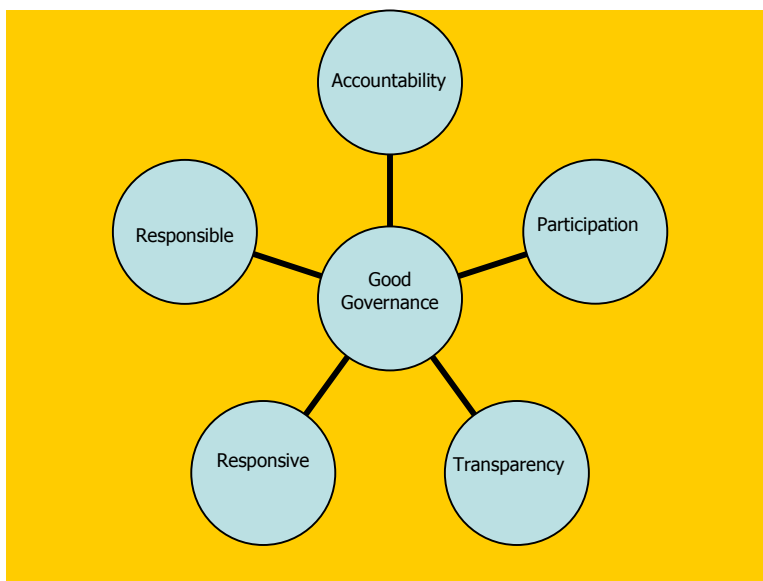
## **Democracy, Good Governance and Human Rights**

*"The care of human life and happiness and not their destruction is the only object of good government"* –Thomas Jefferson (1743-1826), author of the Declaration of Independence, 3rd President of the United States of America.

Across the Commonwealth democracy is endorsed, as in the Harare Declaration as the only legitimate means of governance. Democracy is no longer equated with the mere ability to hold regular elections –this is just the starting point. The Commonwealth has recognized that to be meaningful, mere representative democracy must deepen into substantive and participatory democracy. As the Commonwealth Expert Group in Democracy and Development stated: "The scope of democracy must...be widened beyond elections, so that democratic institutions and processes facilitate, protect and reinforce the full range of human rights."

The goals of human rights are sometimes summed up as freedom from fear and want and to be able to develop one's potential. These are also the aims of governance. Governance is much more than the business of running the State machinery to keep one's borders safe and the law and order situation under control. States also have the mandate to eliminate inequalities and inequities entrenched in society that results in the exploitation and the marginalization of certain groups, depriving them of basic rights to a life of dignity. In addition, States have, at the international level, undertaken to guarantee protection for the human rights of all citizens. The test of governance is the degree to which the State machinery delivers on these commitments. Every human right corresponds to a human aspiration and a norm of treatment to which everyone is entitled. The international human rights regime, which is continuously evolving with the progress of time, provides universally accepted legal standards against which the performance of the State machinery can be measured. At a minimum, parliamentarians in a democracy must actively work to promote people's welfare, rejecting all forms of discrimination and exclusion, facilitate development with equity and justice, and encourage the most comprehensive and full participation of citizens in decision-making and action on diverse issues affecting society.

## Pillars of Good Governance



Good governance requires that all work of the State be informed by fundamental democratic principles underpinning human rights. The five pillars of good governance – transparency in decision-making processes, ensuring people’s participation, responsibility in the exercise of power, accountability of the decision-makers and responsiveness to people’s needs – uphold the edifice of sustainable democracy. Anything less will result in despotism and tyranny of power. A human rights lens on democracy and governance not only privileges justice and equity above all but most importantly takes the provision for human well-being by governments from mere promises into the realm of precise legal obligation.

## Human Rights and Pro-Poor Development

Poverty is a brutal denial of human rights. This must be recognized at the outset by all policy-makers, including governments, donor agencies, international organizations and individual parliamentarians. Poverty is a condition generated by chronic situations where individuals, families and entire communities are deprived, often resulting in homelessness, lack of education, poor-health, lack of opportunities for livelihood, and

the inability to access public services or indeed justice itself. Each of these conditions corresponds to the violation of internationally recognized human rights standards namely, the right to adequate housing, the right to educational opportunities, the right to health facilities, the right to work, the right to livelihood, the right of equal access to public services and the right to seek justice.

## **Poverty and the Commonwealth**

Most people living in the Commonwealth today are poor. Too many of them are among the absolute poor. A third of the 200 million citizens of the Commonwealth live on less than US\$1 a day – the internationally accepted measure of extreme poverty. There are also significant pockets of poverty in the richer states like the UK, Canada, Australia and New Zealand. As many people have pointed out poverty is much more than just lack of income.

Poverty is a condition brought about by people and policies and is not a natural and normal condition. It can and must be changed as a matter of priority. The state of poverty itself, and not the act to eliminate it, is a violation of human rights. Development sees human beings as having needs that should be fulfilled where possible. Human rights ensure that these become legal obligations of the duty holder - namely the State - against which claims can be made.

South Africa and Uganda have recognized the human rights to food, housing, health care, education and a clean and safe environment by writing them into their constitutions as fundamental rights that the State is legally obligated to provide for all citizens. In other countries like India and Bangladesh where non-binding constitutional directives to achieve similar goals exist, the judiciary has expanded the scope of the fundamental right to life to include some of these basic entitlements indispensable for the enjoyment of a life of dignity.

Despite this, poverty reduction efforts have traditionally been guided by the paternalist 'welfare' approach where the State becomes the benefactor of the poor who must wait upon the generosity and goodwill of the giver. In some countries with high incidence of poverty this approach has degenerated to distribution of patronage for buying support and approval for those wielding State power. The accent is also placed on 'reduction' rather than 'eradication' of poverty. A charitable approach to development also allows richer nations to keep development assistance at the level of grace and favor, reinforcing dependencies and sharpening misleading perceptions of the alleged inadequacies of the developing world.

In contrast, the rights based approach is by definition pro-poor in nature as it requires developmental planning to target the weakest and the most vulnerable first and foremost. Human rights standards provide the benchmarks against which success of development policies must be measured. Setting targets based on human rights allows policymakers to create realistic frameworks for achieving rights and making informed evaluations of the effectiveness of their policies and programmes. Situating development and poverty alleviation within a human rights framework gives primacy to the participation and empowerment of the poor, insists on democratic practices, and ensures that the rationale of poverty reduction no longer derives only from the fact that the poor have needs, but is based on the rights of all through entitlements that give rise to obligations on the part of international community, nation-states, the commercial sector and local communities and associations as enshrined in law.

### **Approaches to Poverty**

<b><i>Rights-Based Approach</i></b>	<b><i>Welfare Approach</i></b>
Developmental planning to target vulnerable communities	Giver determines level of generosity
Focus on right to live a life free of poverty	Focus on 'reduction' rather than 'eradication' of poverty.
Obliges the international community, nation-states, the commercial sector and local communities and associations to provide for impoverished communities as enshrined in law.	Reinforces dependencies by making state the benefactor of the poor.

## Role of Parliamentarians

Most Commonwealth parliamentarians, whether indirectly as donors or directly as representatives, are closely associated with designing policies that are aimed at rapid economic development and poverty eradication. They face complicated tasks and difficult choices in delivering development, which is more than optimizing economic growth, but aims at equitable distribution of wealth coupled with social justice. The human rights regime provides a matrix from which to make this happen. The onus for furthering good governance, which requires effective, honest, just, equitable and accountable exercise of power by the State agencies lies within the mandate of parliamentarians.

As elected representatives, parliamentarians have the fundamental responsibility to voice the aspirations of the people in parliament and to always act in their interests. The human right lens equips parliamentarians to set, examine and evaluate the policies and actions of the executive to see they meet the criteria of good governance and that the outcomes stand the test of equity and justice.

Not only should human rights be realized for their own sake, these rights offer parliamentarians a framework to entrench democracy in its fullest form. Significantly, this is the key to moving from paper promises to making genuine pro-poor development and good governance a reality within all nations.

### Unit 2 Questions

Please answer each of the following questions. If you are taking this course in a group you may then meet to discuss your answers.

1. How can a human rights framework deepen democracy?
2. How is human rights linked to good governance?
3. What is a right-based approach to development?
4. How can a rights-based approach make development a reality for the people?

## Relevant Internet Resources

Commonwealth Expert Group in Democracy and Development

[http://www.thecommonwealth.org/shared\\_asp\\_files/uploadedfiles/{3BB5DD0B-926A-4DBB-82B6-14D55AF2F622} 34591%20Text.pdf](http://www.thecommonwealth.org/shared_asp_files/uploadedfiles/{3BB5DD0B-926A-4DBB-82B6-14D55AF2F622} 34591%20Text.pdf)

Constitution of the Republic of South Africa

<http://www.polity.org.za/html/govdocs/constitution/saconst.html?rebookmark=1>

Harare Commonwealth Declaration

<http://www.thecommonwealth.org/Templates/Internal.asp?NodeID=34457>

Singapore Declaration

<http://www.thecommonwealth.org/Templates/Internal.asp?NodeID=32987>

## Select Bibliography

Human Rights and Poverty Eradication: A Talisman for the Commonwealth, 2001 CHRI, New Delhi.

David Beetham, "Democracy and Human Rights: Contrast and Convergence", paper presented at the Seminar on the Interdependence between Democracy and Human Rights, OHCHR, Geneva, November 2002: <http://www.unhchr.ch/democracy/D-Beetham.pdf>

