Participatory and Peoples Theories of Democracy

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Chapter 1

Introduction

Direct And Participatory Democracy

Democracy is a shape of government and an ideal, an aspiration and an average. The center unit of democracy is self-rule. The origin of the word democracy can be traced back to ancient Greece. Derived from the Greek term '*demokratia*', it means rule through the people. In the literal sense, it rejects the isolation of the two, i.e., flanked by the ruler and the ruled. It is motivating to note that unlike the words communism and socialism, which has a point of reference in Marxism, democracy has not been associated with a specific doctrinal source or ideology. In fact, it is a byproduct of the whole growth of Western culture and so, tends to be used rather loosely. Therefore, the history of the thought of democracy is rather intricate and is marked through conflicting and confusing conceptions. It is confusing because 'this is still an active history' and also because the issues are intricate. Though, it has been justified and defended on the grounds that it achieves one or more of the following fundamental value or goods like equality, liberty, moral self-growth, the general interest, private interests, social utility etc.

Several Meanings

Varied meanings have been attached to the term 'democracy'. Few of them are since follows:

- A shape of government in which people rule directly;
- A society based on equal opportunity and individual merit, rather than hierarchy and privilege;
- A organization of decision-creation based on the principle of majority rule;
- A organization of rule that secures the rights and interests of minorities through placing checks upon the authority of the majority;
- A means of filling public offices by a competitive thrash about for the popular vote;
- An organization of government that serves the interests of the people regardless of their participation in political life.
- An organization of government based on the consent of the governed.

Linking Government to the People

From the dissimilar meanings that are associated with democracy, one item that becomes clear is that democracy links government to the people. Though, this link can be forged in a number of methods depending upon the superior political civilization of that society. Due to this, there have been ideological differences and political debates concerning the exact

nature of democratic rule. Nonetheless, any discussion on democracy tends to address three significant questions:

- Who are the people
- In what sense the people rule
- How distant should popular rule extend

Direct Democracy

Direct Democracy is a shape of self-government in which all communal decisions are taken by participation of all adult citizens of the state in the spirit of equality and open deliberations. Deliberations or discussions are significant because decisions arrived at by discussions are bigger informed, logical and rational. This is because discussions allow a group to reconcile dissimilar interests, inform members in relation to the several issues and attract on the group's expertise. In other terms, debates enable people to both power and to be convinced through the group.

The significant characteristic of direct democracy is the mechanism that 'all command each and each in his turn all'. It was achieved in ancient Athens by a shape of government brought in relation to the since a result of a size meeting. Its contemporary manifestation is the referendum. 'Gram Sabha', since envisaged in the 73rd Constitutional Amendment, is an example of direct democracy in rural India.

Principles Governing Direct Democracy

In a direct democracy, so, the best decisions can never be arrived at by voting. The principle of direct democracy is to govern by consensus, which emerges from cautious deliberations of options or alternatives. In the absence of formal representative organizations, people create decisions themselves by public discussions. In other terms, the following principles apply in direct democracy:

- People are sovereign
- Sovereignty is inalienable and cannot be represented
- People necessity express their common will and create decisions directly by referenda
- Decisions are to be based on majority rule

To sum up direct democracy is based on direct, unmediated and continuous participation of citizens in the tasks of government. It obliterates the distinction flanked by government and the governed and flanked by state and civil society. In direct democracy, state and society become one. It is an organization of popular self-government.

Merits of Direct Democracy

The merits of direct democracy contain the following:

- It heightens manage that citizens can exercise in excess of their own destinies, since it is the only pure shape of democracy.
- It creates a bigger informed and more politically sophisticated citizenry, and therefore it has educational benefits.
- It enables the public to express their own views and interests without having to rely on self-serving politicians
- It ensures that rule is legitimate in the sense that people are more likely to accept decisions that they have made themselves.

Greek Democracy since Direct Democracy

The classic instance of a direct democracy is that of ancient Athens throughout the 4th century BC. It can be measured since the only pure or ideal organization of popular participation recognized therefore distant. It had a specific type of direct popular rule in which all-important decisions were taken however size meetings. The Assembly or *Ecclesia* to which all citizens belonged made all biggest decisions. This assembly met at least 40 times a year to settle issues put before it. When full time public officials were required, they were chosen on the foundation of lots. This procedure was adapted to ensure that they were a section of the superior body of citizens. The posts were, though, not fixed and were rotated in quite a frequency therefore that all citizens gained experience in the art of governing and therefore, tried to achieve the broadest possible

participation. A council consisting of 500 citizens acted since the executive or steering committee of the assembly and a 50 strong committee in turn made proposals to the council.

Athenian Democracy: Causes for its Fame

It is significant to understand what made Athenian democracy therefore extra ordinary. Athens, in fact, symbolized a new political civilization enfranchising the entire citizenry. The citizens not only participated in regular meetings of the assembly, but they were in big numbers, prepared to undertake the responsibilities of public office and decision-making. Formally, citizens were differentiated on the foundation of rank and wealth in their involvement in public affairs. The demos held sovereign authority, i.e., supreme power to engage in legislative and judicial behaviors. The Athenian concept of citizenship entailed taking a share in this function, participating directly in the affairs of the state.

Athenian democracy was marked through a common commitment to the principle of civic virtue which actually meant commitment and dedication to the republican municipality-state, the subordination of private life to public affairs and the attainment of general good. In other terms, there was no isolation of public and private life and individuals could attain self-fulfillment and live an honorable life 'in and by the poleis, i.e. the municipality-state. For instance, citizens had rights and obligations but not since private individuals, rather since members of the political society. There were, therefore, public rights and good life was

possible only in the polis. Therefore, 'In the Greek vision of democracy, politics is a natural social action not sharply separated from the rest of life. Rather political life is only an extension of and harmonious with oneself'. It looks that the Athenians whispered in a 'free and open' political life in which citizens could develop and realize their capacities and ability and the *telos* of the general good. And justice meant securing and realization of the citizen's role and lay in the municipality-states.

Aristotle's 'The Politics'

We discover the mainly detailed and extra ordinary explanation of ancient democracy in Aristotle's well-known job *The Politics* which was written flanked by 335 and 323 BC. His job examines the claims, ethical standards and aims of democracy and states distinctly, the key characteristics of a number of Greek democracies. Liberty and equality are connected jointly, particularly if you claim to be a democrat. Without the subsistence of one, the other is hard to achieve. There are two criteria of liberty: a) to rule and in turn being ruled and b) livelihood since one chooses. If one wants to execute the first criterion since an effective principle of government, it is necessary that all citizens are equal. Without numerical equality, it is not possible for the majority to be sovereign. Numerical equality here means that everyone has an equal share in the art of ruling. The classical or the earlier democrats felt that numerical equality was possible to achieve because a) citizens are paid for their participation in government and so, are not losers because of their political involvement, b) citizens have equal

voting authority and c) in principle, everyone has an equal opportunity to hold office. In a nutshell, what we can understand from this is that equality is the practical foundation of liberty and it is also the moral foundation. Therefore, on the foundation of Aristotle's explanation, classical democracy including direct democracy entails liberty and liberty entails equality.

Limitations of Direct Democracy

A distinctive characteristic of direct democracy since practiced in ancient Athens was its exclusivity. The Municipality-State was marked through unity, solidarity, participation and a highly restricted citizenship. There was no isolation flanked by public and private life and even however state and government were inextricably connected with the lives of the citizens, it only involved a little part of the population. It is motivating to note that the Athenian political civilization was an adult male civilization, i.e. only men in excess of the age of 20 years were qualified to become citizens. It was a democracy of patriarchs in which women had no political rights and even their civic rights were strictly limited. There were also other kinds of residents who were ineligible to participate in formal proceedings; like 'immigrants' who had settled in Athens many generations earlier, but were not the original inhabitants. Though, the slave population constituted, through distant, the mainly politically marginalized people. Here, what we discover is that 'political equality' since practiced in Athens did not mean 'equal authority' for all. It was rather a shape of equality that was applicable to those having equal status and in the Athenian context, it was

meant for only males and Athenian born. Therefore, several were a minority of the superior citizenry. Unquestionably, the politics of ancient Athens rested on a highly undemocratic foundation.

Flaws of Athenian Democracy

What we can conclude from the above account is that democracy practiced through ancient Athens had serious flaws. If contemporary democracy is based on the market economy, Athens was a democracy built on slavery; the labour of slaves created the time for the citizen elite to participate. The lack of permanent bureaucracy contributed to ineffective government, leading eventually to the fall of the Athenian republic after defeat in war. It is motivating to note that the mainly influential critic of this shape of democracy i.e. direct democracy was the philosopher Plato. Plato attacked the principle of political equality on the grounds that the masses are not made equal through nature and so, cannot rule themselves wisely. This is because they possess neither the wisdom nor the experience to do therefore. The solution since stated in his well-known job *The Republic* was that the government be placed in the hands of a class of philosopher-kings, the Guardians, whose rule would be something same to what can be described enlightened dictatorship. At a practical stage, though, the principal drawback of Athenian democracy was that it could operate only through excluding the size of the population from political action. This was possible only in little city-states with limited populations and not in superior contemporary democracies with better populations since they exist today. Despite its flaws, the Athenian model was crucial in

establishing the democratic principle. Finer, 'The Greeks invented two of the mainly potent political characteristics of our present age: they invented:

- The extremely thought of citizen since opposed to subject and
- They invented democracy.

Direct Democracy in Contemporary Times

The classical model of direct and continuous popular participation in political life has been kept alive in sure sections of the world, notably in community meetings of New England in the USA and in communal assemblies which operate in smaller Swiss cantons.

The mainly general way used in recent times is referendum since compared to the size meetings of ancient Athens. Referendum is a vote in which the electorate can express a view on a scrupulous issue of public policy. It differs from an election in that the latter is essentially a means of filling a public office and does not give a direct or reliable way of influencing the content of a policy. A device of direct democracy, referendum is used not to replace representative organizations, but to supplement them. They may either be advisory or binding; they may also raise issues for discussions.

Representative Democracy

Limited and Indirect

Representative democracy is a limited and indirect shape of democracy: It is limited in the sense that participation in government is infrequent and brief, being restricted to the act of voting every some years. It is indirect in the sense that the public does not exercise authority through itself, but selects those who will rule on its behalf. This shape of rule is democratic only since distant since representation establishes a reliable and effective link flanked by the government and the governed. The strengths of representative democracy contain the following:

- It offers a practicable shape of democracy, since big populations cannot actually participate in the governmental procedure.
- It relieves the ordinary citizen of the burden of decision-creation, therefore creation it possible to have division of labour in politics.
- It maintains continuity through distancing the ordinary citizen from politics thereby encouraging them to accept compromise.

Synonymous with Electoral Democracy

Though, although these characteristics may be a necessary precondition for representative democracy, they should not be mistaken for democracy itself. The democratic content in

representative democracy is the thought of popular consent, expressed by the act of voting. Representative democracy is, therefore, a shape of electoral democracy, in that popular election is seen since the only legitimate source of political power. Such elections necessity respect the principle of political equality based on universal adult franchise, irrespective of caste, color, creed, sex, religion or economic status. The center of the democratic procedure is the capability of the people to call politicians to explanation.

In short, the essence of representative democracy lies in:

- Political pluralism
- Open competition flanked by political philosophies, movements, parties and therefore on

Dissimilar Views on Representative Democracy

There are dissimilar views on representative democracy. The first implies that in representative democracy, political authority is ultimately wielded through voters at election time. Therefore, the virtue of representative democracy lies in its capability of blind elite rule with an important measure of political participation. Government is entrusted to politicians, but these politicians are forced to respond to popular pressures through the easy information that the public put them there in the first lay, and can later remove them. The voter exercises the similar authority in the political market since the consumer does in economic markets. Joseph Schumpeter summed it up in *Capitalism,*

Socialism and Democracy through describing representative democracy since that institutional arrangement for arriving at political decisions in which individuals acquire the authority to decide through means of a competitive thrash about for people's vote.

Pluralist

Democracy is pluralist in nature. In its broader sense, pluralism is a commitment to variety or multiplicity. In its narrower sense, pluralism is a theory of sharing of political authority. It holds that authority is widely and evenly dispersed in society, instead of being concentrated in some hands since the elitists claim. In this shape, pluralism is usually seen since a theory of 'group politics' in which individuals are mainly represented by their membership of organized clusters, ethnic clusters and these clusters have access to the policy procedure.

Elitist

It refers to a minority in whose hands authority, wealth or privilege is concentrated justifiably or otherwise. Elitism believes in rule through an elite or minority. Classical elitism, urbanized through Mosca, Pareto and Michele, saw elite rule since being inevitable, unchangeable information of social subsistence. What is majority rule? Few view democracy since a majority rule. Majority rule is a practice in which priority is reported to the will of the majority. What is majoritarionism? Majoritarionism implies insensitivity towards minorities and individuals.

Rival Views

There is a considerable amount of conflict in relation to the meaning and significance of representative democracy. Few questions raised through scholars are since follows:

- Does it ensure a genuine and healthy dispersal of political authority?
- Do democratic procedures genuinely promote extensive-word benefits, or are they self-defeating?
- Can political equality co-exist with economic equality?

In short, representative democracy is interpreted in dissimilar methods through dissimilar theorists. Mainly significant in the middle of these interpretations are advanced through Pluralism, Elitism, the New Right and Marxism. For several political thinkers, representative's democracy is basically larger to every other shape of political system. Few argue that representative democracy is the shape of government that best protects human rights, because it is based on the recognition of the intrinsic worth and equality of human beings.

Others consider that democracy is the shape of government which is mainly likely to take rational decisions because it can count on the pooled knowledge and expertise of a society's whole population.

Others claim that democracies are stable and extensive-lasting because their elected leaders enjoy a strong sense of legitimacy.

Still others consider that representative democracy is mainly conducive to economic development and well being.

Few consider that in representative democracy, human beings are best able to develop their natural capacities and talents. Yet, democracy remnants a job in progress – an evolving aspiration rather than a finished product.

Fundamental Principles of Representative Democracy

Popular Sovereignty

It means that the ultimate source of all public power is the people, and that the government does what the people want to be done. Four observable circumstances can be recognized in popular sovereignty:

- Government policies reflect what the people want
- People participate in the political procedure
- Information is accessible and debate takes lay
- Majority rules, i.e., policies are decided on the foundation of what a majority of people want.

Political Equality

Each person carries equal weight in the conduct of public affairs, irrespective of caste, color, creed, sex or religion. But political thinkers whispered that great inequalities in economic conditions can eventually turn into political inequality. Robert Dahl describes the problem in following terms, 'if citizens are unequal in economic possessions... they are likely to be unequal in political possessions; and political equality will be impossible to

achieve.' Particularly significant in contemporary times is the unequal power in manage of information, financial contributions to electoral campaigns. This unequal power symbolizes a serious barrier in achieving a complete democracy. The ideal society for the practice of democracy was the one with a big transitional class – without an arrogant and overbearing prosperous class and without a discontented poverty-stricken class.

Political Liberty

The citizens in democracy are protected from government interference in the exercise of vital freedom, such since freedom of speech, association, movement and conscience. It is said that liberty and democracy are inseparable. The concept of self-government implies not only the right to vote, right to run for public office but also the right to expression, to petition the government, to join any political party, interest group or social movement.

In the practice of democracy, though, it has appeared that liberty can be threatened through democracy rather than being an essential ingredient. Following are the largest criticisms that are leveled against democracy:

'Majority Tyranny' threatens Liberty: Majority tyranny implies the suppression of rights and liberties of a minority through the majority. It is whispered that unbridled majority rule leaves no room for the claims of minorities. Nevertheless, the threat of majority tyranny can be exaggerated. Robert Dahl points out that

there is no proof to support the belief that the rights of ethnic and religious minorities are bigger protected under alternative shapes of political decision-creation.

Democracy leads to bad decisions: It is argued through few that representative democracy, which is majoritarian through nature, is not perfect. They say that there is no guarantee that representative democracy will always lead to a good decision. A majority, like the minority, can be unwise, cruel and uncaring and can be misled through unscrupulous or incompetent leaders.

Representative Democracy in Practice

Having said this, let us now pay attention to the actual working of representative democracy. The chief features of a functioning democracy are:

- Free and fair elections
- Open and accountable government
- Civil and political rights
- The table given below provides a good thought of these characteristics.

Political Parties: Political parties play a crucial section in the political procedure. In a big measure, political parties determine the operational character of the democratic organization. They give a biggest political dynamic for the working of formal organizations of the organization. A political party consists of a group of citizens more or less organized, who act since a political

element. Through the exploit of their voting authority, they aim to manage the government and carry out their common policies. Few of the essential characteristics of a political party are:

- People constituting a political party have a sure degree of agreement on fundamental principles.
- They seek to achieve their objectives by constitutional means.
- A political party aims to further national interest rather than sectional interest.
- It seeks to capture political authority to enable it to further public interest.

Political parties constitute the backbone of democracy and perform the following *functions*:

- *Parties mould public opinion:* Political parties stimulate the interest of public on dissimilar issues troubles such since housing, livelihood standards, education, foreign dealings, budget etc.
- Parties play a role in the conduct of elections: Elections to the legislature are held on party rows. Political parties select appropriate candidates for party tickets. On the day of voting, parties ensure the maximum turnout of voters.
- Political parties shape the government: The party which secures the majority shapes the government. If no single party secures the majority, then a combination of parties, described coalition, shape the government.

- The opposition acts since a check on government: The opposition party keeps a vigilant eye on the actions and policies of government and highlights its lapses and failures.
- Political parties shape a link flanked by government and people: Parties explain the policies of government to the people and convey reactions of the people to parliament and public officials.
- Political parties impart education to people: Political parties create the people aware of their political rights and stakes in government.
- Political parties act since a unifying force: Political parties are compelled to seek support of all parts of people, livelihood in dissimilar sections of the country. Therefore, they act since a unifying force.

Democracy and Elections

Contemporary democratic states have representative governments. Big mass and population of contemporary democratic states create it hard to practice direct democracy since a shape of government. Hence, all contemporary democracies have indirect or representative governments, which are elected through people. These representatives are chosen through people by elections. Therefore, elections have assumed an extremely significant role in the formation of contemporary representative democracy. An election is a contest flanked by dissimilar political parties for receiving people's support. At times, an individual can also contest an election since a self-

governing candidate. The advantages of contesting elections since a party candidate are since follows:

- Political parties follow specific policies; so, when a candidate symbolizes a party, it is easier for voters to know what he stands for.
- Party candidates get funds from political parties to organize election campaigns.
- Party volunteers may be provided through the party to the candidate throughout the procedure of electioneering.
- Familiar leaders of the party canvass for party candidates and address their rallies.

The Election Procedure

Elections in a democratic organization are based on the principle of equality i.e. *one person, one vote*. All persons irrespective of caste, color, creed, sex or religion enjoy sure political rights. In the middle of these rights, the mainly significant right is the right to vote. In politics, everyone is equal-every person has an equal say in the formation of government.

Secret Ballot: The voter casts his vote secretly in an enclosure; therefore that no one comes to know of the choice he has made. In representative democracy, secret voting is preferred; otherwise, the voter may not exercise his true choice openly due to fear of intimidation and undue power. *Constituency:* Constituencies are marked in order to carry out the election

procedure with efficiency. Constituency is the territorial region from where a candidate contests elections. If only one person is to be elected from a constituency, it is described a *single member Constituency.* If many representatives are elected from the similar constituency, then it is described a *multi-member constituency.*

The whole election procedure, e.g. in India, is mannered, controlled and managed through a self-governing body described the *Election Commission.* It ensures free and fair elections. The Election Commission fixes and announces the dates of elections in our country. The Election Commission has another extremely significant responsibility. It makes certain that the party in authority does not get undue advantage in excess of other parties. The procedure of election runs by many formal levels. This procedure includes of:

- Announcement of dates
- Filing of nomination papers
- Scrutiny of applications
- Withdrawal of applications
- Publication of the final list
- Campaigning
- Casting of votes
- Announcement of results

In fact, the moment the Election Commission announces the dates of elections, political parties start their behaviors. The first task of political parties becomes the selection of candidates who

are going to contest in elections since their party candidates. Contemporary electioneering is a cumbersome procedure. It requires a vast system to control it, which is provided through political parties. Moreover, elections need a reasonable amount of finance, which is also provided through political parties.

Selection of Candidates

In the functioning of representative democracy, the role of political parties has become both, indispensable and extremely significant. In fact, political parties have given an organized form to democratic politics. Political parties field and support their candidates, and organize their campaigns. Every political party announces specific programmes and promises to implement these programmes in case it comes to authority. Voters while casting votes for a candidate of a scrupulous party do therefore knowing fully well the programmes and policies of that party.

Nomination

Once election dates are announced, political parties have to choose their candidates by a procedure of selection. Then, candidates have to file their nominations to election offices which are appointed through the Election Commission. There is a last date for filing nomination papers. After all nominations have been filed, there is a procedure of scrutiny. It is done to check whether all information given in nomination papers is correct. If there is a doubt or a candidate is not establishing eligible, his/her nomination paper is rejected. Once the scrutiny is in

excess of, candidates are given a date for withdrawal. The withdrawal procedure makes certain that There is since small wastage of votes since possible and That all names printed on ballot paper are those of serious candidates.

Representations

Political parties have representations which are allotted through the Election Commission (EC). The EC allots representations to each political party and makes certain that they are not same because they can confuse voters. In India, representations are important for the following causes:

- They are a help for illiterate voters who cannot read names of candidates.
- They help in differentiating flanked by two candidates having the similar name.
- They reflect ideology of the concerned political party.

Campaigning

Campaigning is the procedure through which a candidate tries to persuade voters to vote for him rather than for others. Each political party and every candidate tries to reach since several voters since possible.

A number of campaign techniques are involved in election procedure. Few of these are:

- Holding of public meetings which are addressed through candidates and a number of regional and national leaders of a party.

- Pasting of posters on walls and putting up big and little hoardings on roadside.

- Distinction of handbills which highlight largest issues of their manifesto.

- Taking out procession in support of dissimilar candidates.

- Door-to-door appeal through influential people in party and locality.

- Broadcasting and telecasting speeches of several party leaders.

Counting of Votes and Declaration of Results

After voting is in excess of, ballot boxes are sealed and taken to counting centers. Throughout counting, the candidate or his representative is present. After counting, a candidate receiving an easy majority is declared elected. At times, easy majority leads to troubles. The elected candidate symbolizes majority when there are only two candidates, but not therefore if there are three or more candidates; e.g. if A gets 40 and B, C and D get 20 votes, then A is declared elected. Now, however A has got 40 votes he does not reflect the majority because 60 votes are actually against him. Elections are an extremely significant section of democracy because the whole fortification of a democratic organization depends on how elections are held.

Democracy and Alienation

Alienation amounts to isolation from one's genuine or essential nature. What passes for democracy in the contemporary world tends to be a limited and indirect shape of democracy, thereby alienating the individual citizen. This democracy is small more than, what Joseph Schumpeter referred to since an 'institutional arrangement' for arriving at political decisions in which individuals acquire the authority to decide through means of a competitive thrash about for peoples' vote.

This institutional arrangement has been criticized through radical democrats for reducing popular participation to a close to meaningless ritual, i.e., casting a vote every some years for politicians who can only be removed through replacing them with another set of politicians. In short, people never rule and the rising gulf flanked by government and people is reflected in the spread of inertia, apathy and alienation.

Democracy and Public Opinion

To a great extent, democracy depends on public opinion. In a representative democracy, every government has to think of what will be the public reaction to its policies. All parties want to capture and retain authority. Coming back to authority in the next successive election depends on what people think in relation to the job when the party was in authority. Strong public opinion plays an extremely important role in capture of authority and forming government through a single party or a combination of

parties, described coalition. If the public is alert and intelligent and keeps itself informed, government cannot take the risk of disregarding people's aspirations. If it disregards their aspirations, it instantly becomes unpopular. On the other hand, if public is not alert and intelligent, government can become irresponsible? At times, this might threaten the extremely foundations of democracy.

Formulation of Public Opinion: Public opinion is shaped in several methods and many agencies contribute in shaping public opinion. For a healthy public opinion, citizens should know what is happening approximately them, in their own country and in the world at big. A country's government makes policies not only in relation to the internal troubles, but has a foreign policy also. A citizen necessity hears dissimilar opinions in order to create up his/her mind. Therefore for democracy to job well, citizens require to apprise themselves of several views. In the middle of the agencies, which help in formulating sound public opinion are the press, the electronic media and the cinema. Democracy allows a person to contribute his/her share of opinion in decision-making. For all this, there is a must of free discussion and argument.

Democratic government provides a lot of freedom to the ordinary citizen. Though, citizens have to exploit freedom with responsibility, restraint and discipline. If people have few grievances, they necessity illustrate them by channels provided through the democratic organization. Acts of indiscipline on the

section of citizens might wreck the democratic set up of an organization.

Gender and Democracy: Participation and Representation

The third wave of democratization which began in the mid 1970s brought in relation to the competitive electoral politics to several countries in Latin America, East and Central Europe and sections of Africa and Asia. It was seen since a triumph for democracy since the number of electoral democracies increased from 39 in 1974 to 117 in 1998. Though, since in the earlier longstanding democracies, the stages of women's representation in new democracies are still low in both legislatures and executives. The thrash about for political citizenship was for an extensive time a significant goal of women's movements. The suffrage campaigns that took lay in several sections of the world in the late 19th and early twentieth centuries were based on the assumption that right to vote and participate in electoral procedures was an significant section of being a citizen.

If democracies now guarantee all citizens the right to participate in the political arena, why are women therefore poorly represented? Does the low participation of women mean that democracies are undemocratic? Theorists of democratization have a diversity of definitions of what counts since a democracy.

At one end of the continuum, there is a minimal definition which implies that all that is needed is competitive elections.

Mid-range definitions also emphasize requires for freedom and pluralism, such since civil rights and freedom of speech, therefore that state may be measured a liberal democracy.

Neither of these definitions makes the distinction flanked by *right to participate and the skill to participate*. Only the more utopian definitions that believe the 'excellence of democracy' emphasize that democracy also implies the enjoyment of full citizenship in its broadest sense.

Citizenship is defined not presently in words of civil and political rights, but also in words of economic and social rights that can facilitate the full participation of all in the political sphere. Democracy can be vibrant and effective only when citizens take section in an active civil society. The 'public' and the 'private': Feminists have argued for an extensive time that there are a number of troubles with the methods in which democracy is defined, theorized and practiced. Liberal political theory is based on a division flanked by public and private sphere. Within this model, men seem since the head of households and since abstract individuals active in public sphere, while women are relegated annalistically to private sphere. The 'political' is, so, defined since masculine in an extremely profound sense.

In practical words, the manner in which political action is mannered in democracies and nature of mainly women means that they participate to a distant lesser extent than men, particularly at higher stages of conventional political action. For instance:

Several women discover approach and object of politics forbidding

Even if they do decide to pursue a political career, women often experience difficulties in receiving selected on winnable seats on the party's list

Further, since in other areas of public sphere, women discover that constraints placed on them through their responsibilities in 'private' sphere also reduce their skill to participate in conventional political action on similar words since men.

It would be incorrect to provide an impression that there is an agreement on nature of democracy. Lenin, for instance, has argued that liberal democracy is a screen which hides use and power of the masses. More recently, Carole Pateman has argued that democracy necessity also extend to the workplace – where mainly people spend a great section of their day – before we can be said to live under democratic circumstances. A dissimilar kind of criticism of democracy argues, through pointing out that even democracy can go dangerously wrong. Aristotle reminded us that for its proper functioning, even a democracy requires a stable organization of law.

Democracy can otherwise become the arbitrary dictatorship of the several, i.e., the mob rule. In a same vein, De Tocqueville argued that democracy creates the possibility of a new shape of tyranny – the tyranny of the majority. Madison warned of the danger of factions, which means a group-big or little – whose interest does not reflect the common interest of the people, and who effort to

subvert the democratic organization for their own purposes. Contemporary democracies tend to make bureaucratic systems approximately themselves. According to Max Weber, the interest of the bureaucratic systems creates a tension in democratic practice, since the bureaucracy created through democracy will have a tendency to choke off the democratic procedure. Pareto argued that, howsoever democratic a society may claim to be, it will be inevitably ruled through a powerful elite. But, it can argued that the thought of isolation of Powers and the concept of Checks and Balances can go an extensive method in avoiding despotism. Moreover, we require to ensure that those people who create laws do not enforce them also.

Democracy and the Internet

No other invention of this new technical period has proliferated since rapidly since the Internet. The internet has rapidly accelerated the growth of transnational dealings fostering a type of mutual power and interdependence. The Internet affects democracy in a number of methods. Its role in combating totalitarian regimes is, indeed, positive, for it creates access to information and therefore, undermines the monopoly of the government in question.

But on the other hand, the Internet creates troubles for democracy insofar since it weakens the state's regulative capability. The transnational interpretation of civilizations through the Internet undermines the capability of government to govern effectively. Further, since distant since national security

is concerned, the Internet has opened up new possibilities for asymmetrical conflicts. States can sustain huge damage from net based attacks, not from other states but from individuals. Nevertheless, the new information technology will almost certainly, on balance, reinforce the existing authority buildings rather than weaken them.

Chapter 3

Socialist Democracy

Democracy and Modern Socialism

Let us first analyze the concept of contemporary democracy before Karl Marx. It is significant to note that his secure associate Friedrich Engels does not speak in relation to the democracy, but always in relation to the pure democracy. Through this he meant a bourgeois state, in which common suffrage prevails, but private property is not touched. It meant that it was either possible to erect a socialist state directly after the overthrow of feudal and military monarchy or pure democracy, that is the bourgeoisie capitalistic republic, would first approach into authority. At that time, people came to accept a democratic state, since a bourgeoisie state governed through a way of common suffrage.

When Marx began his political behaviors, he establishes democracy to be already a great international movement. The history of European democracy extended back two and a half millennia. In the republics of ancient Greece, the political shape of democracy was the contract to aristocracy or oligarchy, to the rule of the 'minority' of the rich or noble. In contrast to this, democracy was the rule of majority, of the masses in common, whereby the owners of property or the bearers of nobility had no privilege to claim. Greek political science already engaged itself

with the question, whether every state in which will of the majority of citizens decides is a democracy, no matter what the composition of this majority is and how it arises or whether a definite class character belongs to a democracy. Aristotle answered the question therefore: that democracy is nothing more than the rule of poor in the state; presently since oligarchy is the rule of the rich.

In the transitional ages, democratic shapes showed themselves in urban communes. Throughout transition to contemporary times, the radical religious sects became the bearers of democratic ideas. Therefore, democratic masses and their leaders were united in a distrust of contemporary growth, and their view that both republic and democracy were primarily a moral matter, a moral renewal of the human race, already contained a condemnation of contemporary economic and social growth.

Today, the democratic ideal is more than a mere composite of individualism, socialism and nationalism. It is based upon the acceptance and promotion of features of life of each group of men, therefore uniting individualism with a shape of regionalism or nationalism and on the other hand, it implies a system of any one group, which is less homogenous than that implied in the earlier shapes of socialism. For democracy, implies a freedom of voluntary association and the performance through such associations of several functions which the earlier socialists would have left to the state. Democracy is to begin with a principle of legitimacy. Authority is legitimate only when it is derived from power of the people and based upon their consent.

From a normative standpoint, the definition of democracy strictly derives from the literal meaning of the word-'Authority of the people'. It is recognized positively through the subsistence of urbanized representative organizations and through the establishment of constitutional government. It presupposes not a direct exercise of authority, but delegation of authority; that is an organization of 'manage' and 'limitation' of government. From the time the word 'demokratia' was coined in the fifth century B.C until roughly a century ago, democracy was used since a political concept. Tocqueville was struck, though, through the social characteristic of American democracy and we therefore speak of 'social democracy'. Marxism has popularized the expression 'economic democracy' and guild socialism; Webb's book *'Industrial Democracy'* has given currency to the label 'industrialist democracy'. The labels people's democracy, soviet democracy and the like, pose a special democracy. When the socialist movement revived in Europe in the late 1860's, mainly socialist leaders were under the power of Marxism. In 1881, the German Social Democratic Party and in 1897 the Swedish Democratic Social Party, carried public ownership of all means of manufacture, sharing and swap since their objectives. Other socialist parties adopted the similar objectives in their constitutions or manifestoes, and even the British labour movement, which had not carried socialism till 1918, adapted too little extent the aim of public ownership.

Now after a lapse of a small in excess of three decades from the end of the Second World War, the picture is dissimilar. In all urbanized democratic countries of the West, except for Italy and

France, communist parties have been reduced to nullities, and even the Italian and French communist parties have been diminishing in strength. In the communist countries of Eastern Europe, there are rising revisionist tendencies while in Russia itself, there seems to be a rising acceptance of Khrushchev's dictum that it is possible for communist parties to ignore the question of means. On the other hand, social democratic parties have grown in strength in all European countries. They have either been in authority or have shaped the largest opposition. They no longer seek to replace the entire capitalist order through an economy based on public ownership of means of manufacture, sharing or swap. They are reconciled to a mixed economy accompanied through full employment and social security. The authors of 'twentieth century' socialism have stressed that socialism should be defined in words of vital values of equality, freedom and fellowship and not in words of any scrupulous means through which those values may be realized. Same changes have taken lay in the programs of all European Socialists – these parties are taking a much more discriminating attitude towards public ownership; though, social democracy supports the public demand that it is necessary to safeguard significant public interests.

Therefore, the socialists in the underdeveloped world can attract few precious lessons from a survey of these changes in the fortunes of communism and social democracy in Western countries and the altered objectives of social democratic parties.

Western Liberal Democracy

Contemporary liberal conception of politics acquired a realistic, pragmatic, secular and scientific orientation. State became the pivotal political system. Rousseau introduced the thought of popular sovereignty and democracy. It was recognized that within the reach of the people, organizations such since state, government and semi–official organizations etc began to be treated since centers of political action. Rights of private property, and individual liberty began to be asserted. In the advanced liberal concept, the state is viewed since a positive welfare organ. Liberal democracy assured a competitive party model since essential to symbolize the wishes of people. This involves eliciting people's opinion by periodic elections to legislatures. Further, government is seen since limited and since operating in a world of voluntary associations. Society is viewed since pluralistic, which means that it is collected of autonomous parts and associations. Hence, government sets out to rule in general interest.

Western liberal democracy is a political theory that appeared in Europe throughout the seventeenth century and has sustained to this day since one of the dominant theories and ideologies in the world. This excludes the socialist countries with dictatorships of dissimilar types. Locke contributed the ideas of limited government, constitutionalism, individual rights and the rule of law. Bentham's contribution place in the utilitarian conception of majority interest calculated in words of individual utility. Mill

contributed the thought of individual liberty, plurality of opinions, and the principle of growth of individual personality.

When we describe the liberal state to be politically democratic, we should note that it refers not only to the electoral procedure, but also to characteristics like the rule of law and right to property. In a liberal organization without any written constitution such since in the United Kingdom, this means the law enacted through parliament is supreme. And the property rights granted in liberal democratic states prevent the government from creation drastic changes in economic matters. This is the cause that the radical view criticizes liberal democracy, for not laying emphasis on economic equality. They described themselves people's democracy, which implies that the means of manufacture are socially owned.

Therefore, the above provides a fairly good picture of liberal conception of democracy which is based on a number of assumptions; first, it holds that an individual is endowed with an autonomous mind, cause and will; that is, he is a rational being. Therefore, he can decide what is best for him. Second, the individual is a moral being, which means that they are all equal. Each one should have an equal opportunity to participate in politics. Third, truth is comparative and multi–dimensional and is not absolute. So, at a scrupulous moment, truth can be recognized only by a free inter-play of ideas. That, tolerance is the essence of democracy was strongly argued through Mill in 'On Liberty'. Truth in a democracy implies that everyone can participate in politics and it is the government of all people; so, a

democratic government acts in the interest of all. Competition in the middle of leaders and parties ensures popular manage in excess of government and maximum liberty for individuals. Rule of law, equality before law and vital minimum rights are features of a Western liberal democracy.

Non-Western Shapes of Democracy

It may be surprising to few those countries like the erstwhile USSR, Communist China, North Korea and North Vietnam, to name but some claim to be democratic. Indeed, they claim to be the only true democracies. In order to understand that exact nature of this claim, it is significant to go back to Marx. He whispered that the politics of the West was characterized through class conflicts, and that competition flanked by parties would be no more once the feud flanked by classes ended. True democracy he idea, would exist only where one class predominated, embodying the overwhelming size of the people. All other shapes of democracy were denounced since bourgeois. If an authority clash lived on a competitive foundation, therefore that it might be convinced through wealth, Marx measured that democracy to be bourgeois, and so, unworthy of any name.

Competitive politics is condemned through communists for being a fraud. They themselves claim to have no other classes because they say that all the exploiting clusters were eradicated in the early days of the Russian revolution. Soviet lawyers and political apologists argue that the West's adaptation of democracy is a

sham and fraud because of the subsistence of an economic organization- Capitalism- which favors the rich.

Socialist Democracy

In the west where capitalism has prevailed, this takes the shape of accommodation of progressive dilution of the socialist principle. We all know what socialism is. In company with other ideological concepts, socialism has a double reference. On one hand, it refers to the ideals, values, properties of what is often described the socialist vision. On the other hand, it refers to empirical characteristics of social and political organizations which embody the vision. At the stage of values, the significant ones are those of freedom, equality, society, brotherhood, social justice, a classless society, co-operation, progress, peace, prosperity, abundance and happiness. Sometimes, the value components are stated negatively: socialists are opposed to oppression, use, inequality, strife, war, injustice, poverty, misery and dehumanization. At the stage of organizations, the adherents and opponents similar would say that socialism is opposed to capitalist private enterprise organization, which it seeks to replace through a organization of manage in excess of wealth and property and the social supervision of system of economic action; this is summarized in the formula, the general or public ownership of means of manufacture.

Names in political communication have shown themselves to be unstable in excess of times. John Ruskin, for instance, proudly described himself a communist, while he repudiated socialism,

republicanism and democracy. For H.M Hyndman, the word socialism denoted mild, Christian-liberal do-goodery, while the word social democracy meant for him militant Marxism. Today, of course, the opposite would be the case. It was Proudhon, not Marx and Engels, who first described his doctrine 'scientific socialism'. Bakunin, at one time, held a system which was described the Alliance for Socialist Democracy. Marx himself in his youth dismissed communism since being only an 'imperfect realization of socialism'; later Marxian usage became more systematic, however never entirely free from ambiguity.

The Essence of Socialist Democracy

An effort is made in this element to provide a more systematic outline to the tendencies, which jointly create up socialist idea, reflected in the concept of socialist democracy.

Egalitarianism is the first tendency, which is the classical principle of socialism. The dominant notion of equality culminates in a conception of society. Politically, egalitarianism obviously demands complete democracy, but democracy in its easy, classical, unitary sense, without enduring party divisions.

Moralism, the next tendency, constitutes the Christian principle of socialism; that is, it stresses on high ideals which seek to bring justice through replacing enmity with mutual help, and fostering feelings of brotherly love and understandings in the middle of human beings. The political shape mainly harmonious with moralist values is, again democracy, possibly tempered

through mild notions of paternalism and certainly presupposing a sense of moderation and responsibility on the section of individual principles. Little and big societies governed through a majoritarian organization are fitting vehicles for the realization of the moralist ideal.

Rationalism is the third tendency, in on behalf of the principle of enlightenment. Here, the chief values are individual happiness, cause, knowledge, efficiency in manufacture and the rational purposeful system of human society in the interest of progress. The political shape that rationalism leads towards is also democracy, as this tendency tends to acknowledge the fundamental equality of human beings and believes in self – sufficiency of individual human cause. It believes, though, that democracy should be tempered with meritocracy, consistent guidance through experts, scientists, technicians, and intellectual people who are to be trusted with the promotion of common happiness.

Libertarianism, which could be termed the romantic principle of socialism, is the last of the vital tendencies in the sense that it is extreme and radical in the middle of socialist principles. It centers on the ideal freedom, in the sense of total absence of restraint, internal and external. Here, it would be hard to talk in words of a favored political arrangement. Anarchy is what comes adjacent to its ideal; but again libertarianism too goes with the acceptance of equality in a fundamental sense. Libertarianism is the gentlest and the mainly tolerant of socialist tendencies.

These are the four tendencies of socialism, which reflect the essence of socialist democracy. The comparative weight of each tendency, though, varies from case to case. In other terms, we discover that one or another tendency assumes predominance in excess of others in the case of a given country, doctrine, movement or historical era. This is why the predominance of libertarianism in the Western New left is in a big section due to the rising moderation and integration of social democracy.

Democratic Techniques and Socialism

The rise of fascism in Europe and the continuance of dictatorship of the Communist Party in erstwhile Soviet Union also led several socialists throughout the thirties to provide rising attention to the techniques of democracy under a collectivist regime. While the socialist movement in common had for several years maintained that collectivism without democracy was a distant cry from socialism and that there could be no socialism without the accompaniment of thorough-going democratic processes in the economic, political and social organizations of the country, there were several who took the location prior to the thirties that all that was necessary to do was to transfer industry from private to public ownership and democracy would take care of itself. Experiments in state ownership and manage in communist and fascist countries and even in lands with a democratic shape of government, both in times of peace and war, proved a rude awakener to these students of the movement and caused big numbers within and without to think by methods and means of safeguarding and strengthening the democratic procedure under

a co-operative organization of industry. This examination caused them to place rising emphasis on:

- The require for preserving and strengthening democratic forces of the population such since the deal and industrial-union movement, the consumers and producers co-operatives, labors, socialist and progressive political parties, educational and cultural movement of the masses, and for endeavoring to create these movement thoroughly democratic.

- The require for bringing in relation to the secure co-operation in the middle of industrial workers, the therefore-described transitional class, the cultivation population, in the thrash about for bigger social arrangements.

- Require for applying effective democratic techniques to regional, state, and federal governments therefore since to create them thoroughly responsive to the will of the people.

- The require for encouraging, under a co-operative organization of industry, an long organization of voluntary co-operative enterprises, since a supplement to publicly owned industries, especially in agriculture, the distributive trades and in cultural action.

- Require for establishment within each industry of processes whereby consumers, workers, and technological and administrative clusters would be adequately represented in determination of policies.

- Require of experimenting with the corporate of public ownership of a semiautonomous character, and of decentralizing manage and management of public ownership since much since seemed compatible and socially efficient.

- The require for developing administrative processes directed toward efficient, honest, and democratic management by a sound organization of civil service, public accounting, communal bargaining, personal dealings etc. Techniques should be devised for stimulating industrial incentives by a proper organization of rewards for job well done.

- Require for freedom of consumer choice.

- The must of preserving civil liberties and preventing discriminatory practices against any part of population because of race, religion, color, or national origin.

- Require for co-operating with other countries with a view to eliminate the reasons of war, of abolishing imperialistic controls, and of raising livelihood standards during the world.

Trend towards Democratic Socialism

The goals of democratic socialism have one item in general; that is to create democracy more real through broadening the application of democratic principles from political to non-political areas of society. Freedom of worship and freedom of political associations are still the mainly essential foundations of democracy. The Socialists concentrate on the promotion of these

'finer points of democracy'. In contrast, socialist parties have fought an uphill and usually a losing thrash about in nations were democracy is not a livelihood item, but an aspiration, a hope, and thought yet to be realized. This happened for instance, in Germany, Italy and France.

Democratic Socialism in England

England urbanized parliamentary organizations, which were conductive to the development of socialism. England moved with the times, and brought in relation to the compromise flanked by democracy and socialism. Socialism was allowed to emerge peacefully without require to have a bloody revolution. Democracy tolerated the rise of social principles. In Britain, there was no require for workers to revolt on a size level against the government, since the government itself took necessary steps to promote their interests. British soil was appropriate for the development of democratic socialism, while on the other hand, in Russia and China the climate was not favorable since the government neglected the interests of the poor and tried to suppress them. Since a result, revolutionary socialism rose and its tide swept the government off its feet.

Democratic socialism has no high priest like totalitarian communism. It has no Marx or Lenin. The mainly influential socialist thinkers in England have regularly been without any official location. Their impact has been due to their moral power and felicitous literary approach. The movement owes much to the ideas of Robert Owen, Sidney and Beartrice Webb, R.H. Tawney,

G.D.H Cole, Harold Laski and several others. But the philosophy still remnants undefined. 'The nature and content of democratic socialism cannot through any means be defined. It is a broad framework wherein we have to fit in our ideas of democracy and socialism in tune with our political backdrop and cultural and spiritual heritage.' Therefore there is no definite form of democratic socialism. It is to be dissimilar in dissimilar countries according to requires and circumstances. Still we can point out sure broad principles of democratic socialism.

Broad Principles

Democratic Socialism lays great stress on the importance of the superior interests of society since an entire, against the narrow and selfish interests of the individual. It is against individualism or laissez-faire, it is a theory of society welfare. It promotes cooperation instead of competition and removes antagonism flanked by the employer and the employee. Socialism stands for the principle of economic equality. The state should prevent the concentration of wealth in the hands of some individuals therefore that the gulf flanked by the rich and the poor classes may not be wide. Though, democratic socialism does not aim at establishing absolute equality, which is approximately impossible. Its aim is to remove glaring inequality of wealth through progressive taxation of the rich. It stands for equitable opportunities for all.

Democratic socialism also stands for general ownership of significant means of manufacture, which are to be utilized for

general good. It is in favor of granting full civil, political and economic rights. The individual is free to lead his own method of life, outside intervention. It stands for extension of democracy from political to economic and social meadows. Therefore, there is a desire to widen the foundation of democracy. If democracy is to be real, it should go distant beyond the frontiers of politics and enter the economic field. It is against the ownership of land, factories and other means of manufacture through some at the cost of the society. It necessity be clearly noted that democratic socialism is not against all shapes of private property, but only against such private property, which becomes the means of use. It allows little plots of land, homes and other limited property, since these cannot be put to anti-social uses. In conclusion, we may say that democratic socialism is neither merely anti-capitalism. 'There is no use of man through man, no injustice, oppression, or denial of opportunities.'

One of the extra ordinary results of the victory of democratic socialism in Britain was the elimination of communism since a significant factor in British politics. Even in developing countries, democratic socialism gives an alternative to the extremes of communism and capitalism through bringing in relation to the much needed socio-economic transformation of civilizations.

New Leftism: Attack on Soviet Marxism

The New Left has a scrupulous feature of its own. It believes in socialism and yet strives to promote and protect humanism that

had become a scapegoat under the 'socialist' organization of the former Soviet Union. That is, while the achievements of socialism is the bedrock of traditional Leftism, socialism integrated with democracy and humanism is the keynote of, what is usually recognized since, New Leftism. What keeps the New left at a fundamental variance with the Old left is its stern emphasis on pursuing positive social and political goals. It believes in freedom and democracy, and is prepared to fight for these ideas.

The New Leftism is a product of the post–Second World era. Its development is on explanation of three factors: stern reaction against the adaptation of official Marxism since given through the great comrades of the former Soviet Union, vehement protest against the social, economic and political create up of affluent civilizations of advanced Western countries, and extremely strong emphasis on the worth and dignity of man. That is, the movement came since a result of a multi-stage protest—protest against Stalinist excesses, against the dogmatic and mechanistic adaptation of Marxism since given through the Soviet leaders, against centralized and undemocratic methods of doing things and against anti- humanistic, bureaucratic and bourgeoisie society of oppression.

The mainly recent land spot is the reappearance of the New left, which may be termed 'New Socialism'. The fight of the American Negroes for civil rights, the student revolt in France aimed at changing the education organization, the thrash about of workers in Spain for democratization of the political organization are few of the momentous measures that inspired New Leftist thinkers to

say that youthful units can bring in relation to the desired state of affairs. What is needed is change: change towards real democracy, which can be brought in relation to the through youthful parts of people. This is because they alone can understand the pernicious dimensions of a socialist organization and then fight for restoration of a free, democratic and dignified life. In brief, the aim of the New Leftists is to attack the diversity of Marxism that urbanized in the former Soviet Union. Instead, they think in words of a new diversity of socialism based on practicable portion of Marxism. Socialism of this kind necessity is in consonance with premises of a democratic organization. Therefore that people may have the boons of freedom, growth and happiness.

Challenges/Difficulties in the Implementation of Socialism by Democratic Processes

To say that it is possible to achieve a change in excess of to socialist rule with democratic means does not necessarily imply, though, that it is possible also to implement and uphold socialism with such means. Communist theory has persistently alleged—and on this point it has not yet changed—that it is impossible to carry by socialism under a organization of free elections, freedom of speech, free association and free majority decisions.

Soviet theorists do not stand alone in their contention that the implementation and maintenance of socialism are impossible with democratic means. Right-wing liberals, like Friedrich Hayek,

agree with them on that count. Their interest is, of course, the opposite: they hope to see democracy maintained and socialism abandoned. But on the biggest issue under discussion here–whether it is possible to have both democracy and socialism—he two opponents are agreed. It is impossible, they say. In his 'Road of Serfdom' Hayek predicts that socialism will inevitably lead to the abolition of democratic liberties. One of his chief arguments is that socialism needs centralized scheduling and that, even in the event that there is a big majority for socialism, there regularly will be no majority able to agree on particulars ends and means. In such a case, he says, a democratic parliament 'cannot direct'.

In appraising the Lenin-Hayek theory of incompatibility flanked by democracy and socialism, we necessity not underestimate the strength of their combined arguments. They competently point to grave difficulties and dangers. But they fail to prove the impossibility. Their allegations are half-true at best. It is a strong argument that those who are to lose their privileges are likely to rise in violent resistance when a radically socialist legislation issues from a pro-socialist majority in a democratic legislature. This was strikingly illustrated after the Spanish Revolution of 1931, when the democratic majority in the newly elected parliament occupied in simultaneously frontal legislative attacks against all vested interests monarchists, army, church, large land owners and large industrialists- before it had built up sufficiently strong armed forces of its own for support of the republican government. Though, there is no justification for a scientific verdict that it was impossible to avoid a same outcome

when an effort is made to carry by socialism with democratic processes. Another strong argument of this problem is that workers who have won parliamentary majorities may be impatient in their desire to close tangible benefits quickly and beyond reasonable limits. In order to cope with this danger, it will be necessary to educate people in advance therefore since to prepare them for a meaningful exercise of majority powers. That may not be simple, but it is not necessarily impossible. Finally, it is a weighty argument when Hayek warns that the majority is likely to split whenever biggest decisions on scheduling become necessary. But once this danger has been well understood in advance, it may not be impossible to meet it through proper device, such since a cautious preparation of master plans and delegation of the authority to create current economic decisions under such plans to few board or commission. The question of compatibility of democracy and socialism, so, is still an open one. There is good cause to consider that it is necessary to go all the method beside the totalitarian road, if a majority should be bent on carrying by socialism, although sure modifications in the procedure of economic legislation and management will be necessary. Establishment of a penetrating and reassuring political theory concerning the compatibility of socialism and democracy could also offer encouragement to whatever tendencies there may develop in present Soviet Russia or few of its satellites towards introduction of more democratic organizations. It would create possible a stronger and more precise language in international political discussion in relation to the both democracy and socialism, and coexistence since well.

Chapter 4

Democracy in South Asia

Human Rights

Human rights are "commonly understood as inalienable fundamental rights to which a person is inherently entitled basically because she or he is a human being." Human rights are therefore conceived as universal (applicable everywhere) and egalitarian (the similar for everyone). These rights may exist as natural rights or as legal rights, in local, local, national, and international law. The doctrine of human rights in international practice, within international law, global and local organizations, in the policies of states and in the behaviors of non-governmental organizations, has been a cornerstone of public policy approximately the world. *The thought of human rights* states, "if the public discourse of peacetime global society can be said to have a general moral language, it is that of human rights." Despite this, the strong claims made through the doctrine of human rights continue to provoke considerable skepticism and debates in relation to the content, nature and justifications of human rights to this day. Indeed, the question of what is meant through a "right" is itself controversial and the subject of sustained philosophical debate.

Several of the vital thoughts that animated the human rights movement urbanized in the aftermath of the Second World War

and the atrocities of The Holocaust, culminating in the adoption of the *Universal Declaration of Human Rights* in Paris through the United Nations Common Assembly in 1948. The ancient world did not possess the concept of universal human rights. The true forerunner of human rights discourse was the concept of natural rights which appeared as part of the medieval Natural law custom that became prominent throughout the Enlightenment with such philosophers as John Locke, Francis Hutcheson, and Jean-Jacques Burlamaqui, and featured prominently in the political discourse of the American Revolution and the French Revolution.

From this base, the contemporary human rights arguments appeared in excess of the latter half of the twentieth century.

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the base of freedom, justice and peace in the world… 1st sentence of the Preamble to the Universal Declaration of Human Rights

All human beings are born free and equal in dignity and rights.— Article 1 of the United Nations Universal Declaration of Human Rights (UDHR)

History of Human Rights in South Asia

Thoughts of democracy and civil liberty began to take roots in the middle of the English educated Indians who became acquainted with the English revolutions of the Seventeenth century, the French revolution of the 18th century and the several European radical democratic movements of the nineteenth century. The

writings of Tom Paine, John Stuart Mill, Jeremy Bentham and others had a powerful impact. It is, for instance, motivating that Tom Paine's The Rights *of* Man was smuggled into India and sold in the street of Calcutta at a black market price that was thirty times its normal price.

Politically conscious Indians were powerfully attracted to these thoughts. And they hoped that the British rulers would slowly transplant democracy and civil liberties In India. But they were in for a disappointment. Slowly, the rulers evolved a new political theory. They began to preach that because of India's hot and humid climate and the historical traditions of the Indian people and the nature of their religious and social structure, democracy was not suited to India - that India necessity be ruled in an authoritarian and despotic, though benevolent, manner. The British also increasingly tampered with and attacked the freedoms of speech and the Press. Consequently, it was left to the Indian national movement to fight for democracy and to internalize and indigenize it, that is, to root it in the Indian soil. The Indian National Congress from the beginning fought for the introduction of a representative form of government on the foundation of popular elections.

There is a marked variation flanked by the thrash about for civil liberties against the colonial state and that against the post-colonial state. Several scholars as well as activists view the post-colonial state in India as being little dissimilar from its colonial counterpart as distant its responses to people's movements are

concerned. But there are indeed some dissimilarities. One that concerns us here is the use of nationalistic discourse.

Human Rights Movement throughout Colonial Era

The champions of civil rights in the colonial days were themselves the intellectual products of nationalist thoughts and had the privilege of having nationalism as a strong supporting force. But their present day average -bearers have to reckon not with foreign rule, but with their own elected sovereign government as 'the other', the latter having the advantage of by nationalist discourse against the civil rights activists, branding them as subversive and anti-national. In the initial stage the consciousness in relation to the civil liberties was manifested in the educated subjects' demands for equal opportunity in employment, freedom of the press and the abolition of racial discrimination in legal proceedings. One researcher, in information, suggests that '[o]ne of the several causes which led to the organization of the Indian National Congress in 1885 was the failure of Indians to get the Ilbert Bill passed in its original form proposing to provide Indian magistrates the power to attempt British subjects in criminal cases. Through the turn of the century, this consciousness crystallizes in a new generation with new thoughts and new thoughts, impatient of its dependent location and claiming its rights as free citizens of the British Empire'.

The Indian Civil Liberties Union (ICLU) was founded in Bombay on 24 August 1936. Rabindranath Tagore was made its president,

and Sarojini Naidu the working president. K.B. Menon took charge as the common secretary. Soon after, branches of the ICLU were set up in Bombay, Calcutta, Madras and Punjab. As a result of the ICLU's campaigns, considerable consciousness in relation to the civil rights was created within the major party of the national movement, the Congress. In 1937, when the Congress came to power in some provincial governments for a short era, a circular was sent to all at is ministries concerning the preservation of civil rights. Just as to Gopinath Srivastava, a modern commentator, ' [t]he main function of the popular governments was the extension of the scope and content of civil liberties'. Nonetheless, lapses in the protection of these rights in Congress-ruled provinces sustained to happen, and this led to serious differences within the ICLU as big majority of it was drawn from the Congress.

Human Rights Practice in the Post-colonial Era

After India won independence in 1947,'the reins of the state were taken up through the similar people who had once championed the 'right to oppose the government'. And, ironically, their perceptions had now changed. The 'infant state', they now felt, had to be protected even at the cost of some rights of the citizens. The hearts of the people, on the other hand, were filled with new aspirations. They wanted the state to immediately satisfy their hunger for not only vital human needs like food, clothing and shelter, but also rights and justice which had eluded them under two centuries of-- colonial rule. The interests of the state and the interests of the people stood pitted against

each other. The former wanted to silence the latter. As a result, the citizens' rights were violated, and to defend them, the civil liberties movement again became active. This is exactly where the dilemma of the post-colonial state in South Asia lies. With its weak resource base, failing to meet raising aspirations of the people, state becomes more oppressive. It endangers the human rights on both fronts, peoples' civil and political rights and their social and economic rights; the similar dilemma is reflected in the human rights thinking. Looking to ensure social and economic rights, the scope of the interventionist state is enhanced. The similar goes against the foundations of human rights. The situation is further complicated in South Asia with the introduction of liberalization and privatization. Market has assumed primacy on the claim that the state has failed to fulfill the promises that it made. It shifted the focus of rights to a dissimilar direction.

In the post-Emergency stage in India, mainly civil liberties groups broadened the focus of their behaviors beyond the protection of political rights. The thrash about against social and economic discrimination against the poor, religious and ethnic minorities, women and children, all gained equal importance. Society rights attracted approximately as much attention as individual rights. New issues such as environmental rights and the right to sustainable development have been taken up both through older civil rights groups and more recent ones, such as the Indian People's Tribunal for Environment and Human Rights shaped in 1993. One of the factors behind this widening of focus has been the greater interaction of Indian activists with

international human rights organizations. Amnesty International's mission to India in 1977 and its subsequent concerns are worth mentioning in this regard.

Issues of Human Rights

As it is said earlier, though several of the countries in South Asia share an experience of general colonial legacy, they also have their separate troubles in securing human rights. Let us first look at the similarities which actually form South Asia as a area and later dissimilarities which explain the stages of variation in experiencing the rights. India, Pakistan, Bangladesh, Sri Lanka and Maldives all had experienced anti-colonial struggles. They have inherited the consciousness of the civil liberties. Nepal and Bhutan which were British protectorates remained as monarchies. The development of human rights consciousness always hinges upon the development of civil society which acts as a countervailing force to the power of state. Because of the close to monopoly of the nationalist elite throughout the anti-colonial struggles in excess of the rights movement, there was naturally confusion in the perception of civil liberties thinking in the aftermath of independence. Though, when the ruling elite failed to accommodate dissimilar sections in the nation-structure procedure, there appeared severe unrest in dissimilar parts of the South Asia area. It primarily resulted in two fold situation: on one hand, the legitimacy of the state power started declining with the rise of several voices of marginalized sections, and on the other hand, the state apparatuses became more and more coercive and oppressive.

This situation manifested differently in dissimilar countries of the area. In India, it resulted in the imposition of emergency throughout Indira Gandhi era in the 1970's. Subsequently with the state organizations like political parties becoming less responsive there has been a surge of several autonomous non-party movements. The power of the ruling elite also severely constricted with the rise of Dalit and backward caste movements, women, environmental and sub-local movements. These movements have questioned the social and development policies of the state. In Pakistan, it resulted in perennial military dictatorships with short honeymoons in constitutional experiments which never fructified in any meaning full democratic rights to the people. The state in Pakistan dominated through the nexus flanked by military, bureaucracy and landed aristocracy never allowed civil society to grow. It has also resulted in communal strife such as massacre of Mujaahirs in Karachi, Sunnis in Punjab area of Pakistan.

Though Sri Lanka experienced fairly a better democratic institutional set up, the society has been wrought with a huge ethnic violence since the early 1980s. The Tamil nationalism in Sri Lanka seriously challenges the credentials of the state. Efforts to meet the challenge of Tamil nationalism have resulted in the emergence of oppressive state without being able to give vital security to the people.

The Bangladesh experience is no dissimilar from other countries. Though it is a country of recent origins, it could never set up strong democratic organizations because of violent changes in the

political establishment. Bangladesh with its lowest economic base in the world was never able to give vital amenities to the people.

In Nepal and Bhutan with their monarchical legacies, the human rights were the major casualty. The Maoists violence in Nepal and refugee problem of Bhutan could be a good instance of the method the human rights are shaped. Though there have been demands for democratization of political institution in Nepal resulting in experiments such as reforming panchayats or party based elections, the political power still rests predominantly with the king.

Human Rights in South Asia and Globalization

There is a fresh spate of debate on the human rights at the international stage in the recent times. Ever since United Nations adopted the Universal Development of Human rights in 1948, violation of human rights in any part of the country has been recognized as a matter of concern for international society. Though, in the context of the present sweep of globalization, the human rights issue has acquired a intricate character. There have been attempts on the part of great global powers to bring the human rights issues in the third world and elsewhere under the international regime. Human right violations are now connected to the deal issues. The global economic agencies such as World Bank and IMF which are controlled through the big powers are putting pressures on the third world countries through linking aid and grants with human rights record of these countries. Though it could help to some extent stem the rot in

these countries, it also severely impeded the capacities of the third world countries to negotiate at the international flora. While it is not wrong to check the human rights violations through instrumentation of internationalism, it is also a matter of grave concern to use issue of human rights as a political tool to promote Western hegemony in excess of the developing countries in an essentially iniquitous global order.

It is in this context that the areas like South Asia face severe dilemma internally and externally. As we saw, because of the poor economic base the state in South Asia, unable to meet the rising aspirations of the people has after become oppressive and violated human rights. Very often the violations of human rights such as nuclear issue in Pakistan, ethnic strife in Sri Lanka, police brutalities in Bangladesh, Maoist violence in Nepal or caste and communal issues in India or Kashmir issue flanked by Pakistan and India, have become foreign policy apparatus in the global power politics. Some of the big powers, particularly the United States, which have assumed the role of global policemen are selectively by human rights violations in South Asia to achieve their foreign policy goals. On the other hand, with the rise of identities in South Asia area, the local societies are seeking cross border support against state's violation of human rights. This situation, whether planned or not, is creating appropriate environment for global intervention in the area.

Though the changes that are taking lay at the global stage with regard to human rights may have some positive results in the

South Asia area, it may also restrict the scope of the state to act independently.

Comparing Human Rights in South Asia and West

The third world countries have been arguing that the Universal Declaration of Human Rights and the Covenant on Civil and Political Rights reflect only the Western thoughts. These documents are based on principles of individualism. So, human rights predicated on these values can not be transplanted to the third world. The South Asian countries have been placing emphasis on socio-economic rights. These countries strongly consider that the socio-economic rights make circumstances for the realization of civil and political rights. They are not against civil and political rights. They say that given the realities - poverty, unemployment, social inequalities - in this area, socio-economic rights should be given priority. But the international human rights organizations which are dominated through the Western nations are sensitive to the violation of civil and political rights. Socio-economic rights remain unnoticed. Due to this factor the third world countries accuse the West of by the human rights as a political weapon to interfere in the third world.

Against this background, the human rights practitioners in South Asia and third world countries have been creation attempts not only to emphasize socio-economic rights but also to promote dissimilar set of human rights appropriate to their requirement. These rights contain the right to development, right to peace, right to environment and right to communicate, right to property

in excess of general heritage of mankind. Of these new generation rights, the third world countries have been giving priority to the right to development. These rights are in a very early stage of formation. The right to development was used for the first time in 1972. After lot of debate the Common Assembly of the United Nations finally adopted a declaration on the right to development in 1986. This right is in the form of an entitlement. Hence development necessity is seen as an entitlement. It guarantees a right to choose economic and social organization without outside interference. The state seeking development is also entitled to demand that the other states should not take absent from it, what belongs to it or should not deprive what is due to it. State is entitled to a fair share of what is general property.

Civil Society

Civil Society in South Asia

Civil society in Sri Lanka is represented through the intellectuals, academicians, journalists, students, society groups (Tamils and Singhalas), deal unions and the NGOs. The civil society organizations there first appeared mainly in the early 1980s. The ethnic riots which took flanked by the Tamils and Singhalas in 1983, and the social tension and 'threat to social security were the immediate context of the rise of the civil society organizations. The riots displaced a big number of people, especially the Tamil minorities, in which the security forces - the army and police had played partisan roles. It involved the violation of the human rights, disturbance of peace, and affected

the procedure of development. The state in Sri Lanka was establish wanting in restoring peace, providing security, protecting the human rights, reconciliation of ethnic groups etc., The civil society organizations in Sri Lanka have occupied the legroom vacated the state on these. Therefore the main cause for the rise of the civil society organizations in Sri Lanka has been failure of the state.

Civil society organizations observe the month of July as "Black July" to spot the riots of July 1983.The religious and social organizations of Sri Lanka, which have the representation of both societies - Tamils and Singhala, hold public meetings in order to restore peace and appeal to the government to gain the confidence of the Tamil minorities who suffered the ethnic strife in 1983 (knows as the July riot). Likewise, thousands of the peace and human right activists on behalf of some forty NGOs staged a demonstration on the 9 December, 1994, on the eve of International Human Rights Day. The demonstrators consisted of the theatre activists who staged plays and sang on the issues of democracy, human rights and peace. The rally ended with an appeal to both the LTTE and government to restore peace. Likewise, the theme of one such meeting of the civil society organizations of Sri Lanka held on July 3 1,2003, was "Never Again" referring to the July riots. An appeal signed through 217 civil and religious organizations asked for an apology of the President and the Prime Minister for ''wrongs that have been committed" on the Tamil minorities, which would help in restoring peace and security in the middle of the minorities. The NGOs in Sri Lanka also support the devolution of power to seven

areas in order to end the ethnic disagreement. The associations like the Peace Council and the Free Media Movement, with their commitment to human rights and freedom checkmate the government in case it violates the human rights.

Nira Wickramasinghe observes that with the introduction of the new economic policies, which signify privatization, the role of the state has been reduced in the economic and service sectors. In such a situation the NGOs are influencing the decision-creation procedure of the state in Sri Lanka. Equality, the Centre for Society and Religion, and the Centre for Policy Alternatives are involved with the issues of the human rights violation through the state agencies. They are inspired through the Declaration of the Human Rights and International Covenant on Civil and Political Rights of UN. Their critique of the government's record on the violation of the human rights had created a aloofness flanked by the NGOs and the state in the initial stage.

The civil society throughout the regime of Chandrika Kumaratunga played an significant role in the decision-creation procedure in Sri Lanka. A believer in socialism and dependency theory approach to economics of liberalism with human face, she took help of a think tank which consisted of university lecturers, journalists and human right activists, who had the leftist background like her in drafting the program on the eve of 1994 election. The emergence of the civil society in Sri Lanka depended to a big extent on the nature of the regime. The regime preceding that of Chandrika Kumaratunga, especially since 1983 till 1994, when mainly of the time Sri Lanka had emergency, was inimical

to the subsistence of the civil society. It was marked through the harassment, extra-judicial torture, arrests, and reprisal massacre of the people. Under the UNP government even to criticize the government was measured a crime against the state which resulted in the crime through the security forces. Besides, the limited mass appeal of the civil society organizations, the sectarian organizations which are organized on the ethnic rows also pose a threat to the subsistence and the functioning of the civil society in Sri Lanka.

It is also significant to note that the circumstances of the donor countries on the Sri Lanka government to link the aid/loan to the record on human rights and democracy compelled the regimes to allow the civil society to operate. Though, in the electoral politics, the political parties have often manipulate the ethnic cleavages in Sri Lanka. This contradicts the principles of universalism on which the civil society organizations are based.

The NGOs have contributed even to the field of development in Sri Lanka. The indigenous NGOs, international NGOs, state, private agencies and the donor agencies have recognized a network and these have appeared as "new circle of power". They are involved in relief and rehabilitation, social justice, social welfare, environmental protection, gender equity, development and human rights. Following the collaboration with the International NGOs, the civil society in Sri Lanka has become a member of the "global civil society". The NGO's in Sri Lanka operate at several stages - grass-roots organisations working in the villages, province and the national stages. Some of them

collaborate with each other. Mahrandhara Samiti or Kulangana Samitis are examples of grass-roots organisations. They came into being due to the support of the foreign aid projects. Such organisations are shaped on the foundation of behaviors of neighboring villages or "through internal learning procedure". They belong to the farmers, fishermen, women, neighborhood groups, informal sectors, workers, youth, etc.

Pakistan

In context of Pakistan, the term civil society refers to a range of organisations which contain non-market and non-state citizen's organisations. These organisations are not related to the state that means that they do not aspire to be the party in the running of the government. The civil society organisations in Pakistan contain the NGOs, professional associations, deal unions, philanthropist., academicians and think-tanks. Even the faith-based organisations - traditional organisations, shrines, seminaries, neighborhood associations, burial societies, jirgas (council of elders) are measured as a part of civil society in the discourse on Pakistan. Though through the classical definition of the civil society the faith-based organisations cannot be measured as civil society, in the light of the information that some of them are involved in the behaviors for the development of the society and do not form part of the government they qualify to be measured as the civil society. Pakistani civil society, therefore, consists of mixed groups in conditions of value organization and multiple inheritances. On the one hand there are elements with contemporary and liberal outlook, on the other

hand there are organisations and individuals in Pakistani civil society whose outlook is affected through the traditions. This shows that there are conflicting world views and opposing interests in Pakistani civil society.

Just as to a preliminary statement on the civil society through the Agha Khan Base, Karachi, there were more than 10,000 registered NGOs operating in Pakistan in 2001. Mainly of these lived in the provinces of Punjab, Sindh and NWPF. The number of the non-registered NGOs is much more than that of the registered ones. The operation of the civil society organisations is restricted to the rural regions. In the urban region they are controlled through the middle classes, while in the rural regions traditional elite hold the sway on the social, economic and political spheres. Their absence could be attributed to the widespread illiteracy, limitations of women's mobility and the tribal-feudal organization which is opposed to social change. The issues which the civil society organisations in Pakistan take up are; promotion of human rights, gender equity, tolerance, education, health, childhood development, sustainable development, society development, etc.

The coordination in the middle of the civil service organisations in Pakistan is very weak and they job in the in accessible manner. Though, in opposition to the government's negative attitude a big number of the civil society organisations recognized the Pakistan NGOs Forum (PNF) in 1995-96 in order to have coordination in the middle of them. The sector-based NGOs have recognized network in the country. The main sector-

wise coordination-bodies are - the Advocacy Development Network, Coordination Council for Child Welfare, Women in Development (WID), Rural Support Network (RSPN), Pakistani Reproductive Health Network (PRHN), Pakistan Education Network (PEN), Pakistan Microfinance Network and Environmental NGOs Network. The scope of the civil society organisations in Pakistan is very limited. They are not only dominated through the elitist sections, they also suffer from the internal limitations. There is also a lack of internal democracy, and transparency within them. These factors also explanation for the lack of transparency within the Pakistani civil society.

The civil society organisations in Pakistan operate under lot of limitations. While the Industrial Dealings Ordinance (1969) and the Essential Service Act debars the employees from forming associations, the NGOs face troubles due to the subsistence of multiplicity of the registration laws. There are six dissimilar laws under which the NGOs have to get registered. These are - the Societies Act (1 860), the Co-operative Act (1925), the Charitable Endowments Act (1890), Companies Ordinance (1984), the Trust Act (1 882), the Voluntary Social Welfare Agencies (Registration and Manage) Ordinance (1961). These complicate the procedure of registration of the civil society organisations.

Moreover, civil society has been subject to the repression of the army in Pakistan. The repression took several shapes like ban on the civil society organisations, arrest of the civil society organization leaders and political pressure. Though the situation improved a little with the restoration of democracy in the 1980s,

the situation mainly remain grim in practice. Sure forces on behalf of the traditional feudal and tribal values are opposed to the democratic rights. They, in league with the army make hurdles. Though Article 17 of the Constitution of the Islamic Republic of Pakistan guarantees freedom of association, the fundamental rights have often been infringed upon and restricted in the name of national interest. The ban on public demonstration, assemblies and arrest of civil society organisations are the general characteristics in Pakistan.

The state does not encourage the civil society to be involved in the issues concerning democratic rights. For instance, it does not oppose the charity role and the service delivery behaviors of the NGOs. But it is intolerant of NGOs' involvement in the issues which are related to the advocacy of values - education, gender equity, human rights, etc. The Zia regime imposed restriction on the human rights and women's organisations. But on the other hand it protected and supported the behaviors of the madrassas, shrines, seminaries and jigras, in league with whom the Zia regime functioned.

The NGO- state dealings in Pakistan are marked through hostility. In 1996 the government proposed a bill in the senate described the Social Welfare Agencies (Registration and Regulation) Act. It was opposed through the Pakistan NGO Forum which measured it as a device to get legitimacy to intervene in their affairs. The government's move was a reaction to the protest of these NGOs against the proposed religious legislation (Shariat Bill) and the nuclear tests mannered in May 1998. The NGO

activists were intimidated through the personnel of intelligence agencies. Encouraged through the government, the religious extremists accuse the development and the advocacy-oriented NGOs of working against "national ideology" through spreading secular and liberal values. Prominent human right defender Asma Jehangir has faced numerous death threats from them.

Bangladesh

The seeds of civil society in Bangladesh were shown even before its birth. As the inhabitants of the then east Pakistan, the academicians, intellectuals, lawyers, doctors, teachers, students, journalists, etc., had launched the relentless battle against culturally and politically discriminatory policies of the political elite of West Pakistan from 1947- 1971. Establishment of Bangladesh as sovereign nation in 1971 raised the hopes of the democratic sections of the society there. The 1972 constitution of Bangladesh actually endorsed legroom for the operation of the civil society under the regime of Sheikh Muzibur Rehman. But the similar regime reversed its stance through enacting the Fourth Constitutional Amendment. This sought to assault the civil society in Bangladesh. The military regimes that dominated Bangladesh till 1990 virtually blocked all avenues for the growth of civil society through several amendments to the constitution.

The civil society, though, succeeded in getting the democracy restored through the mass upsurge in 1990 against the repressive and corrupt regime of Common Ershad. Following the 1991 parliamentary election, the newly elected Jatiya Parishad

restored the democratic rights of the civil society through the 1 2h Constitutional Amendment. But the elements hostile to the subsistence of the civil society remained in some form or the other. The successive governments have refrained from purging the society of such elements. The civil society in Bangladesh faces multiple challenges. These contain a part of political forces, military regime from 1975-1990, and the lumpen bowgeoisie which conspire against the civil society. A part of the civil society succumbs to the onslaught of the regime. For instance, newspapers like Manglar Bani and Sangbad wrote editorials welcoming the martial law. The religious fundamentalists infringe upon the freedom of the intellectuals, especially women.

In the face of such adverse situation, the civil society in Bangladesh is seeking to create up for the failure of state, especially following the formation of government through Khalida Zia in 1991. The NGOs are involved in the "grass-root" solution of the troubles.

It is contrary to the top-down scheduling, which leads to the exclusion of the ordinary people from availing of the aid. The NGOs are involved in rural development behaviors, helping the "floating population" of the migrants, garment industries, etc. They take recourse to strike, demonstrations, and litigation in order to get their demands met.

Challenges To Managing Pluralism In South Asia

Pluralism is a concept which accommodates diversity and regards diversity as inevitable. Unlike the advocates of monism who ignore multiple, disparate identities, cultures and traditions and often create deliberate efforts to roll combine them into one artificial political element, pluralism accepts plurality as a information of life. It seeks to protect and promote such diversity in spite of (or more so because of) the differences in the middle of them.

Pluralism has a extensive history of development. It basically appeared as a protest against monism of the German idealistic school of thought led through Hegel. As early as the 1830s the thought of pluralism as an approach to philosophy, psychology and even theology had started taking roots. It was then argued that pluralism could be interpreted either in a psychological, a cosmological, or a theological sense. Basically for the sake of acquaintance, psychological pluralism claimed that, there exist other self-governing beings, spiritual beings, or souls, and that they cannot be regarded as mere parts of a universal cosmic soul. Likewise, cosmological pluralism advocated the belief in the plurality of worlds inhabited through rational beings or the belief in several systems of bodies (the Solar Organization, the Milky Method etc.). Theological pluralism reintroduced the concept of polytheism. After further philosophical churning through the

European philosophers, through 1 870s, pluralism lei its spot in other meadows like several social sciences as well. John Dewey in accessible it as a tendency to emphasize on differences and multiplicity and famously stated that pluralism gave birth to "the theory that reality consists in a plurality or multiplicity of separate beings." Pluralism made its method into the domain of applied politics in the early Twentieth century. The pluralists like Harold Laski, Frederic Maitland, G.D.H Cole, Sidney and Beatrice Webb and others criticized the core of monist theory of sovereignty which held sovereignty of state as inalienable and indivisible. Just as to them power of the state was limited through the power of other social, economic and political actors in the political domain. And they argued that it is in the interest of state to concede power to these plural organizations.

Pluralism in Social and Political Sphere

We are here only concerned with' plural socio-cultural identities within a state and how the interplay of the politics several plural groups can be supervised in a productive and profitable method.

In order to understand such 'Pluralism', one has to understand the philosophical custom that built up approximately the very word and the inbuilt rejection of the coercive singularism of the monists. 'The monists held that there is a single harmony of truths into which genuine everything, necessity fit in the end. This ancient belief gave birth to the notion of nation - state i.e., the states need to be based on a single nation for politics to be effective. The monists said that only a homogeneous socio-

cultural order can create the political organization functional. On the contrary, a plural and fragmented socio-cultural environment will lead to 'aggravation of political divisions and intensification of differences'. John Stuart Mill, one of the ardent champions of individual rights with liberal views said: "Free organizations are after that to impossible in a country made up of dissimilar personalities. In the middle of a people without fellow feeling especially if they read and speak dissimilar languages, the united public opinion, necessary to the working of representative government, cannot exist". The myth of successful coupling of liberal democracy and mono-national state haunts all liberal thinkers. For them, the plurality of the third world societies is an insufferable incongruity. Several liberal political philosophers like Maurice Duverger, Gabriel Almond, Lucian Pye, Sigmund Neumann, even agreed that a unifying and centralizing socio-cultural order (which means singular ethno cultural order) was the mainly vital necessary for a political organization to job effectively.

Some liberal thinkers highlight that pluralism has also its constraints. For instance, Harry Eckstein regards plural society as a 'society divided through segmental cleavages', where political divisions follow the row of social differentiation and division. The cleavages may be 'religious, ideological, linguistic, local, cultural, racial or ethnic in nature'. Even political parties, voluntary associations, interest groups, media of communication tend to get organized approximately such segmental cleavages. Furnival1's characterization of groups which play a dominant role in a plural polity is very motivating. Just as to him in a plural

society, each group holds onto its own religion, culture, language, thoughts and methods. Even if 'dissimilar sections of the society live face through face', they live separately within the similar political element'. It is in the strictest sense a medley (of peoples), for they mix but do not combine'.

In such a case, power through one of the segments becomes inevitable. The group relationships get regulated in a non-democratic manner and one group may control the rest. Gabriel Almond also distinguishes such plural societies as 'regulated societies characterized through dispense and cultural pluralism' while contrasting them with 'integrated societies characterized through consensus and cultural homogeneity'.

The South Asian Situation

South Asia has often been characterized through some as a melting pot and through others as a boiling pot of competing and conflicting cultures and civilizations. The countries in the area are unmistakably multi-cultural. Some scholars call it multi-national. Separately from the Maldives, all the countries have a rich linguistic diversity. Again, in conditions of religion on diversity, all the major religions of the world are followed in South Asia. There is also the factor of caste cross-cutting religious diversity in mainly of the states. There are other fault rows on the foundation of local identities and geo-cultural differences. It will be apt to bring in these elements, in the major countries in the area.

Pluralism and Democracy in India

India is home to all the major religions of the world. But Hindus and Muslims divide the religious-cultural matrix in India. The competition for possessions flanked by the two societies, basically initiated through the elite-driven politics throughout the colonial days led to partition of the British colonial India into two separate states. One of them, Pakistan, later split up on the foundation of language. The Bengali speaking Muslims of the eastern Pakistan split to form Bangladesh. This single instance is perhaps best illustrates the cross-cutting religious-cultural sympathies that describe the South Asian political reality.

In India, in spite of the partition on the foundation of religion, the elite ensured the introduction of secular, parliamentary democracy which has exhibited exemplary capability for development and endurance. Though, in the post-independence India, ironically the organization of democratic governance, especially through the electoral method of selection of the ruling dispensation, has enabled political mobilization on the foundation of all possible group loyalties - caste, class, society, area, religion and language. This has deeply politicized the peripheral identities and groups and fragmented the polity. At another stage the unifying appeal of Hindu religion has sought to bridge the intra-communal and intra-religious divide. This has, in turn, communalized the polity and resulted in communal clashes and disturbed political order in the state. There have also approach up local demands for the formation of autonomous states within the Indian union. The cases of Bundelkhand,

Vidarbha (eastern Maharashtra), Vindhya Pradesh (northern Madhya Pradesh), Telengana (north western Andhra Pradesh), Kosala, Purvanchal (Eastern Uttar Pradesh), Harit Pradesh (Western Uttar Pradesh) illustrates such examples. The provinces within the Indian Union have been reorganized in the past keeping one or another criterion in mind. Besides, there have also been separatist movements in sure pasts of the country like north - east, Jammu and Kashmir and Punjab. The primary cause for such fissiparous tendencies has been the dysfunctioning of democracy and the shrinking capability of the state to deliver. The root cause for the rise of militancy in Kashmir was the manipulation of the democratic procedure through the local elite and the gross and injudicious oversight of such a phenomenon through the central management. The similar has been true of the north - eastern states as well. The primary cause of disaffection in these states has been a perception that the people there have been discriminated against. The crisis of governance at the local stage has thrown up a secessionist elite at the margin. The introduction of the element of force into the whole framework of resistance has created more troubles for the Indian state than it has resolved. This in turn has engendered the right wing and militant politics.

The overwhelming assertion of the Hindu right wing in politics in recent years has appeared as yet another indication of the nature of political transformation taking lay at sure stages. This has compelled analysts to observe that a hegemonic Hindu majoritarian political culture is in ascendance in India, which will seek to impose an artificial uniformity on the Hindus

themselves. At the similar time, in spite of such assertion, the intra-religious divides have evolved into lasting political constituencies, i.e., the Yadavas, the Bhumihars, the Dalits or Bahujans. The left wing extremist constituency—Naxals, Maoist Communists or Peoples War Group, is slowly rising on the political horizon as yet another political class. This again traces its origin primarily to dysfunction of democracy and inability of the state to address the grievances of a underprivileged part of the population.

India with its emphasis on unity in diversity indirectly emphasizes on the cultural unity that acted as a unifying thread to tie jointly diverse cultural groups. But this cultural unity had an inevitable Hindu cultural or communal overtone. The image of Akhand Bharat (unified India). spreading from the Himalayas in the north to Kanyakumari in the south was born out of a mythical romantic past which had definite Hindu reflexes. It is true that such unity was conceived purely from geo-cultural perspective through secular Congress leadership led through Jawaharlal Nehru. But it is also a information that the idiom that people employed to demonstrate such unity were drawn from Hindu Puranas and other religious texts. The enthusiastic nationalistic historians of such a resurgent nation resorted to contrived throwbacks into history for attesting ancientness of such unity, in order to portray it as natural and eternal. The lure of establishing a nation-state modeled after the post-1648 Westphalian states of Europe and especially the writings through nationalists like Garibaldi, Mazzini, Cavour, Bismarck, the heroic efforts at unifying the German and Italian nation made them

seem into distant past to root such nationality in an a historical past. The administrative unity brought in relation to the through Muslim rulers throughout the immediate medieval history was either overlooked or totally forgotten.

The enthusiasm to build such a nation had induced in the elite a reflexive urge to unite disparate groups. They adopted mostly an assimilative posture, where intra-communal differences were even glossed in excess of. It was measured natural and perfectly presently to expect them to shed their differentiating features in favor of a centralized, hegemonic and construct. There was an absence of efforts at the stage of the elite to accommodate diversity initially; they interpreted their nation structure endeavors in hegemonic methods. But slowly, as democracy has matured, there are positive signs of the elite adopting an accommodationist posture. Therefore one discovers the progressive nationalist leadership accommodating linguistic diversity in no uncertain conditions in the early years of independence. Even ethno-cultural and local diversities have been accommodated progressively as has been seen in the cases of demands for Jharkhand, Chhatisgarh etc. Though, such accommodative posture leaves out sure kinds of diversities and it will take some more time for the Indian polity to take it to its logical end.

Pluralism and Democracy in Other Countries

In other countries of the area, democracy has not had a smooth run so distant. In Pakistan for instance, the military-bureaucracy

combine beside with a class of opportunist politicians have ruled the country for mainly part of its sovereign subsistence. The ruling elite have suffered from crisis of legitimacy from time to time. For instance, Nawaz Sharif who was elected into power with a vast mandate was dethroned through the army chief Parvez Musharraf. 'The main cause for army action is usually attributed to the undemocratic assertion of absolute power through Nawaz Sharif. The army has in its own method sought to derive popular legitimacy through rigged referendum, poorly participated local bodies elections and even a stage-supervised national election. An unequal competition, in conditions of the power they wield, has been going on flanked by the military management headed through Musharraf and his crony-democrats in power and the political forces he shut out of the electoral fray.

It is also imperative to add here that the intra-Islamic plurality in Pakistan has approach to the fore in recent years in a militant method. It has been a free for all battle in the middle of the Sunnis and within Sunnis in the middle of the Deobandis and Barelvis, the Shias, and the Ahmadiyas. The rising militarization has effectively shut the door on democracy. The plural face of Pakistan in the form of Pakistan Oppressed Nationalities (PONM), the combination of Balochis, Sindhis, Pathans and Seraikis pitted against majority Punjabis is also slowly emerging as a political reality in Pakistan. In Sri Lanka, the majority Sinhalese has effectively displaced an otherwise influential minority Tamils from the organization of governance since the 1950s and this has led to a civil war in the island since the 1980s. In the absence of an effective and genuine federal, democratic arrangement, no

working solution to the crisis will ever be possible as has been amply demonstrated through the failure of the talks flanked by the two parties mediated through the Norwegians.

In Nepal too, democracy has urbanized in a very warped method where the elites have shamed the very organization of democracy through their fights ever since they shifted from Renacracy to Constitutional Monarchy. In Bangladesh, the utter criminalization and deep politicization of the society has divided it into two hostile camps: the liberationists or the followers of Sheikh Mujibur Rehman and the anti-liberationists who are now aligned with Islamist right wingers. The latter had opposed the creation of Bangladesh at one point of time. Democracy is fast establishing itself in Bangladesh in electoral conditions but with a booming population and rising indices of illiteracy and poverty, the real spirit of democracy may take years to take roots in Bangladesh.

A cursory seem at the political situation in South Asia reveals that the organization of democracy that has been adopted in several methods in the countries in the area, with perhaps some exception in the Indian case, still fall pathetically short of the standards they have set upon themselves. The root causes of their inability to deal with the plurality in their midst in a democratic fashion have been analysed below from a conceptual point of view.

Countries other than India in South Asia have adopted a warped model of democracy. In all these states, a hegemonic 'ethnic

order' has appeared which jealously guards its privileges. If it is the Punjabi elite in Pakistan, it is the Sinhalese elite in Sri Lanka. The Punjabi elite in Pakistan have accommodated Pushtun elite in some methods, but the Sindhi and Balochi elites are kept out of the domain of political power. In Sri Lanka, the Sinhalese elite, ironically empowered through democracy and game of numbers, has totally marginalized the Tamils. Likewise the Islamic reflexes of the Bangladeshi state have been quite obvious. The information that there has been a steady outflow of Hindus from Bangladesh proves the point that the state in Bangladesh has consolidated a hegemony that is intolerant of other societies. This is also borne out through the method Bangladeshi elite has treated the Buddhist Chakmas.

The state has adopted a coercive approach in dealing with cases of assertion through the plural identities. The state of Pakistan throughout the early years of its history was seen caught up in a serious power thrash about flanked by the Bengali-speaking East Pakistani popular leadership and the Punjabi dominated political, bureaucratic and military leadership of West Pakistan. In a bid to overpower the more numerous Bengalis the Punjabi dominated-west Pakistan leadership brought in relation to the a forced unity in the middle of disparate nationalities who had no obvious general thread of unity in the middle of them except for Islam. This imposed sense of an artificial unity has been continually reinforced through the ruling elite in excess of the years. Even an otherwise suave and westernized politician like Bhutto, who gave Pakistan its first well-negotiated constitution, was seen replicating the coercive events the Pakistani army had employed

in East Pakistan. He ordered the similar army recovering from the shock of a division to silence the Balochis throughout 1973-1974. Of late, in view of the Balochi assertion and the united movement through Oppressed Nations of Pakistan, the military management has demonstrated restraint until now.

Chapter 5

Democracy in International Law

Methods used in international law to define democracy

Contrary to other political theories such as communism, democracy does not have a(ny) founding father(s). Consequently democracy's scope and meaning has not been developed by a limited number of people during a limited period of time. Conversely, democracy is a very old concept that can be traced back to ancient Greece. Regardless of this long and rich history, democracy in international law is a recent phenomenon. It was only after the Cold War that international law dared to address the issue of democracy which previously was considered to be a "domestic" issue and thus one not subject to international scrutiny. In the literature this "shift" is explained by the events of 1989-1991 which led to the embrace of democracy in many countries, primarily in Eastern Europe. The "Third Wave of Democratization", to use Samuel Huntington's term, led many scholars , states and international organizations to think about the idea of democracy as a legal principle. Despite the increased attention for the issue there does not exist a universally accepted definition of democracy. Defining democracy in international law is extremely difficult. Amongst legal scholars, disagreement even exist on whether the concept of democracy can überhaupt be

defined in a way that is universally acceptable. Some authors claim that democracy is "the archetype of an essentially contested concept." "As it means different things to different people" they argue that "any attempts to define the concept would be meaningless at best and imperialistic at worst."

In international law the feasibility of defining democracy appears to be accepted. In the practice of states as exercised within a significant number of regional and international organizations and in the literature various definitions and circumscriptions of democracy can be found. However, disagreement exists on the exact content and/or phrasing of the definition.

From a theoretical standpoint, several methods can be used to define democracy, however none of them appears to be flawless. One possible approach would be to look at nations generally referred to as democracies and define the concept according to certain features of those systems. Such an approach would not be useful as it is considered to be illogical to define democracy by induction from the practice of one political system. It would be no longer possible to praise that country for being democratic as a society cannot be praised for qualities which belong to it by definition rather than by political contrivance.

A second method would be to define democracy based on an historical and or etymological analysis. Given that the two words from which democracy has been derived are so ambiguous and broad and given the recent nature of the legal debate on democracy this is not considered to be an appropriate method.

A third possible method would be to define democracy negatively i.e. stating what democracy is not. Such an approach has been used before in international law for instance the concept "civilians" in international humanitarian law is defined negatively. This is a useful method as in human rights law it has been argued that examining the limits of a certain concept does provide a better insight into its meaning. However, defining democracy negatively would lead to an open-ended definition giving leeway to more discussion. In international law an international consensus does appear to exist on certain non-democratic regimes such Apartheid and a Nazi regime. One can hardly define democracy as a form of governance that does not constitute a regime of Apartheid and/or Nazi regime. Such a definition would not provide any further guidance to legal research aimed at establishing a legal framework to determine whether a nation is democratic.

A fourth method would be to define democracy according to certain basic principles. The downside of this approach is that it is unclear which basic principles are withheld as core principles. The latter method is used in international law and will therefore be withheld in this chapter.

In international law, a multitude of circumscriptions of democracy can be found. The majority of them appear in policy documents and are phrased in a very general manner. Democracy is described in function of its constituent elements. It should however be noted that the list of constituent elements tends to differ in most descriptions.

In an effort to identify democracy's core principles generally two approaches may be discerned: a minimalistic and a comprehensive one. Supporters of the "minimalistic approach" consider democracy to be the sum of various composing elements and tend to limit the definition to one or several of them, generally the representative and participatory element. Advocators of the "comprehensive approach" conversely consider democracy to more than just the sum of various elements. They believe the nexus between the various elements to be essential to the concept.

The two approaches cannot be fully separated from each other. Some authors subscribe to both of them as they utilize a minimalistic approach out of practical concerns –however acknowledging the shortcomings and possible controversial character of such an approach- while ideologically favoring the comprehensive approach.

Within the minimalistic approach an additional distinction is made in the literature, namely between formal and substance democracy. Proponents of the former describe democracy as a method to producing governments, whereas believers in the latter define democracy as a form of governance acting in the people's best interest i.e. they tend to stress the representative character of a democracy. Both approaches are closely connected and cannot be strictly separated from each other.

Research shows that the majority of legal scholars –for whatever reason- tends to favor a minimalistic approach. Conversely,

within the practice of international organizations a holistic approach seems to be preferred. This may be explained by the fact that scholars are looking for specific criteria to determine whether a nation is democratic or are examining whether a right to democracy can or does exist in international law. Such research requires a detailed and specific definition of democracy. States, however, merely want to express their commitment to democracy in general. The documents in which they do so are generally political in nature the goal of which is not to create on any concrete obligations. It has been correctly argued in the literature that these texts could only have been adopted by consensus due to the fact that they are written in such a general manner and that the consensus would break down once one moves beyond the general discussions to the difficult issues of how democracy and human rights are to be interpreted and how they should be implemented or promoted.

In conclusion, currently, there does not exist a universal consensus on one particular definition of democracy. However when looking at the vast array of definitions it becomes clear that one element appears to be present in all definitions, namely the respect for human rights. Minimalistic approaches tend to focus on specific elements or rights whereas holistic approaches stress the indissoluble link between democracy and human rights. The existence of some sort of link does not appear to be controversial or questioned, however the exact nature of the link is unclear. The following section will take a closer look at the nature of the connection between democracy and human rights.

The Nexus between Democracy And Human Rights

International consensus on the existence of a link between human rights and democracy

Without clarifying the concepts of democracy and human rights their interdependence has been recognized by many international and regional organizations inter alia the African Union, the Organization of American States, the European Union, the Council of Europe, the Organization for Security and Cooperation in Europe, the Organisation Internationale de la Francophonie, the Commonwealth, the United Nations, the Inter-Parliamentary Union, the Community of Democracies and by various Arab and Asian states.

As practically all nations are represented in one of these institutions, it may be concluded that there is an international consensus on the existence of a link between human rights and democracy.

The significance and scope of the universal recognition of a link between democracy and human rights should be put into perspective. Firstly, the meaning and scope of both terms is and remains controversial. One may not derive from the above that an international consensus is emerging on the content or scope of these two terms. Secondly, the existence of the link is recognized mainly in policy documents generally conceived not to be legally

binding upon the participating states. However, it has convincingly been argued that the qualification of a policy document does not necessarily mean that it does not contain any legally binding norms as such documents may contain clauses stemming from international law, referring to international law or can be traced to international agreements by which the participating states are legally bound. Rules contained in such documents can under certain conditions evolve to rules of customary international law. The qualification as policy document does however influence the enforcement possibilities.

It is noteworthy that the few documents which are legally binding are regional in nature. This can be explained by the fact that a regional consensus exists or can easier be achieved on the content of human rights.

Thirdly, a universal consensus exists on the existence of a "link" between the two. The nature of that link is not specified and thus skeptics could rightfully argue that as the wording used is general in nature one could question whether a true consensus does exist on the nature of that link.

The nexus between human rights and democracy

The references to the existence of a link between democracy and human rights can be divided into two groups. Some texts consider respect for human rights to be a prerequisite for democracy, or the other way around. Other texts list that democracy and human rights are interdependent and mutually

reinforcing. The following section will examine the difference between these two approaches and its consequences and possible significance?

Respect for human rights is often perceived to be a prerequisite for democracy or vice versa namely that democracy constitutes a prerequisite for the respect of human rights. Sometimes respecting human rights is perceived to be one of a set of various elements, including amongst others -apart from respect for human rights- respect for the principles of the rule of law and separation of powers. Other texts seem to consider respect for human rights as the only requirement that needs to be fulfilled in order to be considered to be a democracy. For instance the Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights for instance state "the expression "in a democratic society" shall be interpreted as imposing a further restriction on the limitation clauses it qualifies. The burden is upon a state imposing limitations so qualified to demonstrate that the limitations do not impair the democratic functioning of the society. While there is no single model of a democratic society, a society which recognizes and respects the human rights set forth in the United Nations Charter and the Universal Declaration of Human Rights may be viewed as meeting this definition".

Other texts reverse the order and consider democracy to a be a prerequisite for respecting human rights insinuating that in a democracy respect for human rights is best assured. Defining democracy in function of human rights is incorrect and

problematic as it suggests the existence of a causal connection between the two. If a nation respects human rights it automatically may be considered to be a democracy and a democracy automatically respects human rights.

Respecting human rights does not automatically turn a nation into a democracy. Certain human rights can adequately be protected in non-democracies. Conversely, the above made insinuation that in a democracy respect for human rights is best assured is false. Empirical studies have illustrated that a democracy does not necessarily entail better protection of human rights. Democracy may even exacerbate ethnic conflict and lead to greater violations of human rights especially in the period immediately following transition to a democratic system. Respect for human rights is only said to increase at the end of the democratization process i.e. when a democracy is well installed.

In addition, longstanding democracies do not automatically provide the highest and best protection of human rights. For instance, in many democracies (e.g. Belgium and the United States) economic and social rights are not justiciable or only partly justiciable. Governments might provide a variety of welfare benefits including food and shelter, medical care and access to education. But citizens generally do not have the right to sue the government for such benefits in court.

Often the term democracy is misused by nations claiming to be a democracy but massively violating human rights for instance the Democratic Republic of the Congo or the Democratic People's

Republic of Korea. Thus "official" or "formal" democracies do not always adequately protect human rights. However, they perfectly can adequately protect certain human rights (while violating others).

The second and in my view more correct manner to identify the link between democracy and human rights is to describe both concepts as interdependent and mutually reinforcing. Stressing the interdependence and mutual reinforcing character eliminates the causal connection between two concepts. "Interdependent" means that one cannot exist without the other. "Mutually reinforcing" means that both concepts directly or indirectly influence each other. It is evident that a democracy cannot exist without human rights. It is also true that there is a greater likelihood that human rights are "better" respected. Democracy is often defined as a "value". Democracy comes from the people, it requires a political and cultural commitment. As such a democracy cannot be imposed from the outside as it consolidation requires a generation in time.

Proponents of the existence of a democratic entitlement in international law argue that the emergence of a democratic entitlement in international law has shed a new light on all existing rules and legislation including human rights. More specifically, these authors argue that a state can only be recognized if it is democratic ; that the internal aspect of the right to self-determination only entails the rights to choose for a democratic form of governance and/or that the use of military violence is allowed to promote and or defend/restore democracy

when it is threatened. Both approaches do not resolve the following underlying issue. The phrase "respect for human rights" is a very vague as it is unclear what human rights are envisioned? Theoretically, all human rights are universal, indivisible and interdependent. Thus, in order to be "democratic" all civil, political, economic, social and cultural rights would have to be respected. This would be problematic for the following reasons. First human rights appear to be an open-ended category of rights. Secondly, all human rights treaties and texts contain a different set of rights. Moreover, not all nations accept all rights to be legally binding upon them and different geographical regions tend to emphasize different human rights. The interpretation and implementation may also vary according to the region.

Secondly, the phrase does also not provide any clarity on the extent to which human rights must be respected or to what extent they may they be limited. In most human rights treaties certain human rights may be limited when "necessary in a democratic society". This is a circular reasoning as on the one hand these texts recognize that a nation respecting human rights can be labeled democratic; on the other hand it is acknowledged that human rights may be limited in the event that they are democratic. Conceptually democracy is linked to human rights. As many issues remain unsolved with regard to human rights, these issues reflect on the discussion of democracy. As such no true progress can ever be made with regard to democracy if no progress is made with regard to these outstanding human rights issues.

Chapter 6

Human Rights, Development and Democracy

The Dilemmas of Linking Theory and Practice

The way in which issues of human rights, economic development and democratic institutions are treated in both the theory and practice of international relations have witnessed a sea change in the past two decades. Human rights have emerged from the periphery of the international arena to a position of primacy in the foreign policies of many states. The international economic development agenda, long a marginal issue in the West when the competition of Cold War ideologies led to a dominant emphasis on security issues, has re-asserted itself as an issue commanding the concerted attention of key international institutions, with a clear focus on the free-market model. The promotion of democratic institutions has moved from empty rhetoric in both East and West to a core concern of both developing and developed countries alike. A major challenge facing the post-Cold War world is searching for relevant, new paradigms of development which can integrate economic practice and popular demands for respect for human rights and adherence to democratic forms of government. Among states of Eastern and Central Europe and the

former Soviet Union, the policies of most governments emphatically favour rapid transition to liberal democracies and free-market economies. Within the West, a central foreign policy issue is finding the right mix of international policies that promote long-term, sustainable democracies, with a commitment to both economic development and adherence to human rights. In virtually all regions of the world, and with remarkably few exceptions, there is broad acceptance of the triad of human rights, free markets and democracy as desirable, attainable policy objectives.

Among scholars and foreign policy practitioners, however, the emergence to prominence of these issues has presented problems of analysis and policy formulation. Some have argued about hierarchies of human rights, cultural relativism vs. universal rights and types of human rights. Our attempt here is to address the relationship between human rights, development and democracy from both a practical and theoretical perspective. From the practical perspective we ask a series of questions relating to the pressing problems in the areas of human rights, democracy and development. How does one explain the resurgence of democracy, renewed commitment to human rights and the seeming triumph of the free-market model? To what extent are international causal factors at play, or to what extent are the fundamental underlying causes to be found in indigenous, deeply-rooted domestic conditions or changes? Assuming the desirability of these objectives, the key questions for scholars and practitioners alike are deceptively simple: how can these changes be sustained over time? The answers are both

complex and unsatisfying, particularly from the foreign policy perspective, which seeks to analyze these questions for the purpose of adducing policy prescription.

Our attempt in this chapter is to look at these issues and address some of the problems and dilemmas inherent in linking the theoretical approaches of many scholars and the practice of governments in supporting democratic institutions, human rights and free-market economic development. Its focus is on international action in support of these objectives, based on the assumption that these issues are becoming of more central concern to the international community and multilateral organizations, because of their desirability in their own right and the number of states needing or requesting international assistance in solidifying their current directions. It is also based upon the belief that finding some rough consensus on the role of the international community in approaching these issues might also be useful in ongoing international efforts to help the processes of transition. In essence, the paper argues, first, that after following separate paths to prominence over the past several decades, these three issues - human rights, development and democracy - have become intrinsically linked; second, that while focusing on international action in these areas has had some beneficial remedial results, there are natural limits to what international action can accomplish; and third, that seeking to effect fundamental change in these directions leads naturally in somewhat different directions, namely, a focus on domestic issues and at various processes and procedures commonly associated with "conflict management." This latter area is

perhaps the most significant factor behind the sustainability of human rights, development and democracy over the long run.

Today in the South the search is on for relevant new paradigms of development and democracy. The new age of the democratic revolution of the past two decades has altered the fundamental relationships among states, created a new agenda in the United Nations, and triggered substantial re-assessments in the foreign policies of many countries. In parallel, the scholarly debate about human rights, development and democracy has blossomed in a variety of useful directions. It is difficult to draw hard conclusions about where we are in both theory and practice. At the theoretical level, some debates are virtually over. It is now unfashionable to believe that Eurocentric models of democratic government are applicable in the developing world and that models of representative institutions developed among Western, industrialized states are necessarily transferable to developing countries. Similarly, these ideas are so rooted in the cultures and histories of each society that it is now virtually unthinkable to allow the assumption that there is any "right" way to address the problems of human rights, development and democracy. In an important sense, we are also past the point of arguing about "cultural relativism," hierarchies of rights, and defining new rights, as these debates run inevitably into dead ends. We are similarly long past the point of questioning the propriety of human rights and democracy as central tenets of a foreign policy agenda. In a sense, these and a few other questions are now sufficiently "settled" on both the theoretical and practical levels that other themes can now command attention.

In the past several years, out of both academic reassessment and governmental re-positioning, there has also been a new emphasis placed, not only upon each of these issues, but also upon the mutual inter-relationships among human rights, economic development and democracy, as well as upon the practical problems of promoting "sustainability" in all three of these areas. The questions now on both the theoretical and practical agendas seem decidedly basic. What are the developmental avenues to democracy? Can there be effective international dialogues to promote the process of democratization? How deep are the cultural roots of respect for human rights and adherence to democratic institutions, and how can one ensure that shallow roots are implanted more deeply over time? Are there linkages which should be established between developmental institutions and human rights/democratic development organizations? To what extent can international influence and leverage be used to force the pace of progress towards internationally accepted human rights norms? From the practical perspective, that of governments and aid organizations confronting donor fatigue on the one hand and recipient frustrations on the other, the questions on the current policy agenda become relatively succinct: what works, and how do we help it work?

It would be helpful if there were an emerging consensus in the academic community about some or all of these issues. However, despite a vast and growing literature, sustained by increased governmental and private interest, the academic literature is largely fragmented and diffuse. Within the human rights community, traditional reluctance to looking at the relationship

between respect for human rights and its social and economic underpinnings has been strong, conditioned in part by a belief that to go beyond questions of compliance is to embark upon the slippery slope of justifying failure to meet expectations. Economic development specialists, caught in the constraints of economic models which are highly mathematical, are still notoriously resistant to examining cultural and normative factors in promoting or sustaining development and especially explaining differences in economic performance among countries with a variety of social and political structures. Indeed, it has often been argued that the political exclusion of the masses, through the denial of civil and political rights, is necessary for development. Proponents of democratic development, a controversial area where much of the high ground has been captured by ideologues, have been too prone to believing uncritically that institutional foundations alone are the keys to unlocking all of the potential of international society. In each of these areas, the closed belief structures of ideology and theory have prevented broader examination of these issues and a critical look at how they develop and how they inter-relate.

Similarly, despite many studies seeking to establish the necessary linkages between economic development and human rights/democracy, much of what passes for informed debate about each of these themes and their inter-relationships is grounded essentially in faith rather than in evidence, often suffering from an undue injection of subjective advocacy in place of sound scholarship. The empirical studies seem to lead in logical directions. Human rights cannot be fully respected

without democratic institutions, and the free-market economic model cannot function adequately in the absence of the freedom inherent in democracies. However, the studies are necessarily tentative. Are the free-market model and respect for human rights always compatible? If there are relationships among the three issue areas, how does each emerge, and how does one influence the emergence of others? Are there mutual incompatibilities that have to be accommodated as the short run gives way to the long term? The best studies of these issues, occupying the field of international political economy, arrive at no sweeping conclusions with respect to linkages among the triad of issues, instead emphasizing specific factors, such as international economic pressures, the interests of indigenous political elites and varieties of domestic institutions, as critical to explaining development. Valid as this line of scholarship undoubtedly is, it offers little scope for constructive international policy prescription in any of the three issue areas.

To add to the difficulties inherent in approaching human rights, development and democracy as an integrated subject are fundamental problems of observation and assessment. We know, for example, that the 1980s were a period of fundamental transformation in Latin America, and that the trend line in almost all of South America was in favour of democratic institutions, free-market economies and a renewed commitment to human rights. When one examines the cases of individual countries, the broader international causal factors seem problematic. Not all of the three issues went hand in had, at the same pace or in the same direction. Indigenous factors, such as

the exhaustion of military governments or the demonstrable inefficiencies of import-substitution regimes, seem far more plausible and inherently country-specific as causal factors than broader theories which endeavour to tie developments in one country into a general pattern. Similarly, to the extent that international influence was relevant, the end of the Cold War undeniably allowed Western countries to re-emphasize the values of human rights and democratic institutions in their foreign policies, while de-emphasizing the security issue which once allowed the Third World to play the West and East off against each other. But how much the reduced leverage of the South, the increased pressure of multilateral funding agencies, and the heightened international demands of donor states have contributed to long-term, sustainable democratic institutions in the developing world remains to be seen.

In spite of the volume of scholarship over the past decade, we are left with a number of dilemmas. The situation of each country is necessarily different, informed by its own indigenous traditions and capacity to evolve; but the "sui generis" approach to change is inherently unsatisfactory, as it allows for too little scope for common policy ground. How each state entrenches respect for human rights, sound development policies and democratic institutions depends upon unique domestic factors; but international influence and leverage must play some role, even though that role is difficult to assess and impossible to quantify. There appear to be common factors which promote respect for human rights, economic development and democratic institutions in a range of countries with different experiences; but how the

international community can promote the successful evolution of these factors seems remote from a practical policy ground. The movement in favour of human rights, development and democracy appears to be both irresistible and irreversible, widely lauded in theory and supported in practice; but past experience suggests that these trends are fragile, and that there is ample scope for regression, with or without international assistance in sustaining current trends.

These issues are now strongly entrenched on the international agenda. Their evolution over the past fifty years has been uneven, however, and the institutional vehicles through which they are treated by the international community vary enormously in influence and capacity. Human rights has the longest and most established track record, particularly in the United Nations. Economic development emphasizing the free-market model only came of age in the multilateral developmental and financial institutions in the 1980s and 1990s. Democratization has largely been a theme of bilateral aid programs, with the beginnings of multilateral action in the Organization of the American States and elsewhere only in the past decade. Although the mutual relationships of these three themes are now beginning to be explored, this work is mainly the preserve of the academic and "think tank" communities in Western, industrialized states. Because of the uneven development of all three areas, compounded by biases of theory and ideology, it is difficult to assess to what extent international influence plays a role in the crucial periods of transition which have marked much of Central

and Eastern Europe and which continue to dominate much of the former Soviet Union and many parts of the Third World.

Human rights began to come of age as an international issue in the 1940s, with the adoption by the U.N. of the Universal Declaration of Human Rights and the initiation of a program intended to set international "standards" in the field of human rights. After some twenty years of standard-setting, in which the U.N. adopted a range of conventions and covenants defining state obligations in this area, the emphasis of U.N. work shifted towards "surveillance and monitoring," attempting to reconcile international standards with state practice through various means of enforcement. The strategy of exposing states to the weight of international public opinion underpinned much of the work of the U.N., despite the limited evidence that the "mobilization of shame" had much impact on particularly recalcitrant regimes whose systematic abuses of human rights were all too evidently documented in the work of a growing number of international human rights non-governmental organizations. The U.N. has largely overcome the first dilemma of international law and practice, namely, the doctrine of non-intervention, and eventually, through low-level and under-publicized missionary work, it has established both the validity of human rights as a subject of international debate and the propriety of intercession on the part of the international community.

Although the work of the U.N. in establishing international standards and norms in the human rights area has been the

indispensable foundation of further progress, its record as a vehicle for the positive transformation of international society has been more problematic. Much of the "implementation machinery" of the U.N. in this area (particularly the committee systems established in various covenants and conventions) is considered ineffective, and the U.N. Commission on Human Rights has long been criticized for institutional grid-lock. An attempt in 1987 to establish a voluntarily-funded program to support states endeavouring to strengthen domestic institutions supportive of human rights has largely been stymied by the failure of the U.N. Centre for Human Rights to develop an imaginative, meaningful program attractive to donors. In the meantime, cooperation between the U.N. Centre for Human Rights and the key development and financial institutions, particularly U.N.D.P. and the World Bank, has been negligible or minimally productive. Although U.N. human rights bodies and agencies have sometimes been active in international hot-spots such as the former Yugoslavia and Somalia, they are often seen more as hindrances than as part of the solutions to human rights problems. The 1993 World Conference on Human rights attempted to address these and other difficulties by recommending the appointment of a U.N. High Commissioner for Human Rights, an idea which was eventually adopted by the General Assembly later in the year. In the short run, the role of the new High Commissioner may be less in the area of advancing the cause of international respect for human rights than in the essential task of seeking the inter-agency cooperation from among rival U.N. fiefdoms essential to making the U.N. effective in this area.

International action in support of economic development has a long record, in the U.N., the Commonwealth and elsewhere. But the explicit policy focus on free-market models is a much more recent vintage. Since the 1950s, and particularly since the 1960s with the wave of membership in the U.N. on the part of Third World states, a succession of institutional vehicles have been created in support of economic development - UNCTAD, UNDP, WFP and others. Successive "international development decades" have also been negotiated between the developed and developing world in the U.N. General Assembly, and there have been successive reorganizations of the U.N. Secretariat largely in response to demands by developing countries for much greater attention to economic issues within the U.N. system and much more substantial flows of real assistance from the developed world. In structural terms, the U.N. system became impressive, with U.N.D.P. offices in virtually every developing country, accompanied by offices of other agencies with relevant programs, from the I.L.O., F.A.O., W.H.O., to UNICEF. But in policy terms, as could be expected from programs negotiated between two different blocs of varied backgrounds, the international economic system was systemically bankrupt, with no single guiding philosophy to shape and guide developmental efforts. Moreover, the economic program of the U.N. and its agencies was virtually a closed shop, with no room for human rights or democracy in the lexicon of development.

The end of the Cold War, however, triggered major changes in the nature of the international economic debate. The first change was the ultimate triumph of the international financial institutions,

particularly the World Bank and the International Monetary Fund, over the U.N.'s economic agencies, especially U.N.D.P., after decades of rivalries. Simply put, the donors chose Washington over New York, where they enjoyed the clout that accompanied economic power and where their own economic philosophies were largely unrivalled. The second change was the beginnings of consensus on the importance of the free-market as the foundation of economic development. As the command economy faded as a model, the tenor of debate in international economic agencies shifted to issues of balance within a free-market framework, namely, on the degree of governmental intervention, or the nature of governmental regulation. The World Bank in particular began to take a leading role, in conjunction with the European Bank for Reconstruction and Development, for the transition to free-market economies of the states of Central and Eastern Europe.

The third, possibly most dramatic change, was the initiation of more open debate about the relationships between respect for human rights and democratic institutions and successful economic development models. The OECD addressed this issue in 1989, in debating the question of development cooperation in the 1990s. Noting the importance of respect for human rights and democratic institutions, an OECD report argued that "a quiet revolution may be in process which can have profound implications for development. While economic and political monopolies of power will resist this revolution, and while there is bound to be both backward and forward movements, we seem to be at the crest of a period when democratic processes are

advancing. This phenomenon is reflected in donor thinking about development cooperation in the 1990s."   The U.N.D.P. attracted global attention in 1990 with the publication of its now annual "Human Development Report," which contained an analytical tool called the "human development index" establishing a close correlation between levels of development and the enjoyment of basic freedoms and democratic institutions. While these and other developments fuelled a revival of rhetorical battles between adherents of free-market developmental strategies and some of the more strident spokespersons of the Third World, the image of confrontation could not hide a deeper reality, namely, that the free-market model had largely triumphed in multilateral economic and financial institutions in the 1990s, and that rival philosophies had lost their adherents.

The third theme, an emphasis on democratic institutions, has had a long and difficult history. In the U.N., efforts to promote democracy have generally foundered on the rock of the "non-intervention principle", which has in the past largely limited the work of the organization to rather benign election monitoring. The O.S.C.E. has moved beyond the U.N. since the end of the Cold War, locking participating states not only into a framework of high standards in the area of representative institutions, but also into an increasingly intrusive and effective system of surveillance. The O.A.S., perhaps surprisingly, has gone furthest in building international trigger mechanisms to protect democracy. In 1990, as a result of a Canadian initiative, it created the Unit for the Promotion of Democracy within the O.A.S. secretariat, and at the Santiago General Assembly a year

later member states adopted a resolution which in effect calls the Permanent Council into session in the case of an interruption of democratic processes in any member country, and invites a meeting of foreign ministers within ten days to take appropriate action. In December of 1992, the O.A.S. went even further, resolving to suspend from participation in the Organization those states in which there has been an interruption of democratic processes.

Two factors have largely hindered multilateral action in support of more robust regimes in the field of democratic institutions: first, a long-entrenched, conservative view of international law and practice, dominant particularly among Latin American states, which has at its core the doctrine of the sovereign equality of states; and, second, a persistent suspicion that moving beyond mere declarations of support for democracy opens up possibilities or more overt interventionism harmful to national sovereignty.

As the Cold War ended and as ideological competition waned, the three themes of human rights, economic development and democratization gradually came together. Donor governments and multilateral funding agencies began to explore both the theory and practice of all three areas more fully and to frame programs supportive of all three areas, on the assumption that they constituted an integrated package. When the EBRD was created in 1991 to help in the transition of Central and Eastern Europe to free-market economies, it became the only one of the international financial institutions with a commitment to human

rights as one of the elements of its articles of agreement. In the Conference on Security and Cooperation in Europe, which had once pitted East against West in empty ideological confrontation, there was a new consensus, especially in the Charter of Paris in 1990 and the Helsinki meeting of 1992, on the significance of democratic institutions and a full commitment of respect for human rights.

While these three issues have come together in the 1990s, only case studies can effectively determine how they inter-relate and whether they sustain each other in mutually-supportive directions. In this type of evaluation, theory may be less helpful than normative or even impressionistic observations on "what works". A recent research project of the North-South Institute in Ottawa, Canada, for example, which is seeking to review development programmes in many of Canada's development partners, with a view to gauging the perceived effectiveness of small programmes, may yield some interesting insights into how partner countries mount projects designed to sustain democracy, human rights and economic development over the long run and whether these perceptions are sustained over the longer run. In the meantime, the relationships among these issue areas remain tentative, in need of much more substantive and critical examination.

We might well ask ourselves that by focussing on the broad picture, namely, on high principles of human rights, or the larger structures of democratic institutions such as parliamentary or presidential systems, or on broad economic models, we have

hindered the search for sustainability at the "micro" level. Nonetheless, fruitful research might be undertaken by examining individual domestic structures of states, including the organizational apparatus of political and societal institutions, their routines, the decision-making rules and procedures as incorporated in law and custom, as well as the values and norms prescribing appropriate behavior embedded in the political culture. Indeed, it may be that by examining the aspects of political culture concerning such things as communicative action, duties, social obligations, and norms we might find some explanations of sustainability. This shift of analysis within the examination of domestic structures is suggested quite forcefully by Wignaraja. He suggests that by redefining the methodology of praxis (practice or custom) we might be able to partially reverse the negative aspects of past development processes while initiating the transition to a new complementary strategy of democracy and development beginning at the micro level.

If we examine states which have sustainable, long-term democracies we discover that what they have in common is more than respect for human rights, democratic institutions and liberal economic systems. We would contend that these are almost always states in which there is little or no ideological extremism, and in which political and economic discourse is dominated by the "middle road". In an essay on repression and development, Donnelly has suggested that the sacrificing of equality (and therefore democracy) "rests on political decisions arising from historically conditioned distributions of power and resources; they are linked not so much to the pursuit of the long-

term goal of development...but rather to the more proximate and contingent, choices of means (development strategies and policies)." Mamdani et.al. make a similar point in their examination of social movements and democracy in Africa. They contend that, "(e)mphasis on ideology tended to preclude any serious investigation of the demands (content) of these movements..."

This is hardly an accident. Built into the fabric of every democratic society are 'conflict resolution devices'. It is these, we contend, that bind societies together, facilitate the decision-making processes at every social level, and give governments the legitimacy which make them sustainable by publics, even under the most adverse conditions. Finding ways of strengthening these devices and/or identifying the transferability of these devices to other political systems is a challenge which has yet to be successfully accomplished.

In the human rights area, the rights enunciated by the United Nations are entitlements which give disadvantaged individuals and groups access to power. The mere claim to have these rights is not particularly meaningful. Their importance, however, is that they implicitly allow marginalized members of society access to ways to resolve their own difficulties, through redress by way of the courts, to human rights commissions, or through other avenues whose legitimacy has been established by international precedent. Similarly, almost all of the institutions of any democratic society can be viewed as conflict resolution mechanisms, from the brokerage functions of political parties,

which reduce conflict and promote consensus, to the judicial system, in which conflicts not amenable to other forms of resolution are finally resolved in a way perceived as legitimate by the rest of society. Even in the economic realm, the free-market economic model can be viewed as a framework for alleviating conflict, by allowing competition and cooperation to work within a framework of legitimacy established by governments.

Virtually every society has conflict resolution models, but many have been destroyed or their equilibria upset through processes extraneous to those societies, either through legacies of colonialism, outside interventions, periods of dictatorship, etc. In some cases, civil war destroys an old structure without redressing the balance. The challenge of the international community is not to try to impose upon those societies new types of conflict resolution systems, like parliamentary structures, but to rediscover what has worked in the past and to remove the obstacles to their effective performance in the future. In this respect, many of the international mechanisms of the past decade, from the OSCE High Commissioner on National Minorities to the United Nations High Commissioner on Human Rights, may be less significant in resolving conflict than helping countries to put their own systems back into functioning order.

The danger, however, is that "[t]he socio-economic crises and deadlocks of the recent past,..., have now triggered off some increasingly radical reactions." The consequence may well be the promotion of the idea of non-universality of human rights. The downplaying of civil and political rights is obvious in the case of

human rights in Libya. "The natural law of any society is ... either tradition (customs) or religion." Even a secular Muslim country like Turkey suffers from the problem of the aspiration of some of its citizens to the rights and freedoms enjoyed in the West, while other citizens desire a distinctive religious, ethnic, or political identity, thus imposing severe strains on human rights at various times.

International pressure for promoting human rights understandably has some impact. But contrary to popular notions which emphasize the concepts of leverage and pressure, it is probably best used, to long-term effect, if it is deployed not in redress of particular cases but in order to establish those conflict resolution mechanisms which will become self-regulating and self-sustaining over the long run. As Jack Donnelly suggests, "We should not expect - either hopefully or fearfully - the imminent emergence of an international practice of humanitarian intervention." A fruitful avenue for future research is finding what types of conflict resolution machinery and systems at the national levels have worked in the past, and reviewing whether they can be successfully supported or rejuvenated through international efforts.

In the past the foreign policy perspective was: first, that respect for human rights, promotion of economic development and adherence to democratic institutions are laudable and intrinsically worthwhile policy goals over the long term; second, that contributing to the attainment of these policy goals, although possibly contentious and difficult as an international

issue in the short run, will eventually produce a more stable, equitable international system in which all countries are likely to prosper; and, third, because of the value of these policy goals as domestic objectives in virtually all countries and as an international objective serving the wider community of states, there is merit in trying to develop an international framework for their promotion and attainment on a sustainable basis; and, fourth, despite growing interest in the phenomenon of democracy in particular, however, the keys to unlocking the genetic building blocks for long-term, functioning, sustainable democratic institutions remains an elusive mystery.

There has been a tendency towards tautology in explaining the resurgence or development of democracy in many states: democratic government works when there is a cultural disposition towards democracy; or democratic institutions function best when there are democratic societal norms and practices. Sweeping overviews attesting to the existence of "cycles" of democracies have offered superficial and seemingly credible comparative data arguing that the international community is in the midst of a new generation of democratization. But detailed case studies suggest little in the way of hard evidence to support cyclical theories. What works in one country may or may not work to sustain democratic institutions in another country. How international pressure or the involvement of the international community helps in the democratization processes of states is equally uncertain, leaving us with the "case by case" approach, which amounts to little more than the absence of a true analytical framework.

The best long-term contribution of the international community is not to duplicate at the international level monitoring and protective machinery to ensure that these three issue areas progress satisfactorily. Development assistance can be used both as a penalty and a reward. Ensuring, through the careful deployment of pressure, encouragement, support and financial assistance, that local systems work to address local problems is the key issue to sustainability over the long run.

There are some things academics and governments alike have learned, however. The Vienna 1993 World Conference on Human Rights recognized that the standards contained in the International Bill Rights are universally applicable to all nations. The challenge facing all of us is to recognize the need to take account of cultural diversity within the context of universality if we are going to promote and protect human rights and democratic development in a meaningful way.

The Democracy Advantage and its Place in Defining National Interests

In the modern era, peace generally reigns amongst democracies. Democracies also perform better than non-democracies at economic development, and democracy, economic development, and regional integration work hand-in-hand to promote peace and stability. Non-democracies are more likely to be failed states

spawning internal or external conflict. It would be expected, therefore, that democracies would identify the spread of democracy as in their national interests and would partner on certain issues, such as support for democratic transitions, human rights and rule of law. A state's designation as a democracy or non-democracy, however, is not necessarily a good predictor of foreign policy alignment. While there is strong convergence on the fundamental principles of human rights, emerging and established democracies favor very different methodologies for addressing threats to such core values, resulting in divergence of policy, politicization and stalemate, as in the case of Syria.

There was consensus that democracy cannot be imposed by external actors, but rather must be pursued organically by a population. It is a path, not a destination. Similarly, countries formulate and express democracy differently based on their unique histories; there is no single model of democracy. Aspiring democratic countries seeking advice from other democracies are increasingly turning to states that have undertaken their own transitions more recently, and they, in turn, are responding positively if and when asked to assist. In fact, the "twinning" model of pairing newer democracies with transitioning states is being prototyped by the Community of Democracies through its project pairing Poland with Moldova, and Slovakia with Tunisia. The G8 has arranged similar pairings through the Deauville Partnership with Arab Countries in Transition, which links leaders in aspiring democracies with G8 partners to build institutional capacity, promote knowledge sharing, and

strengthen accountability and good-governance practices. In addition, rising democracies like Indonesia and South Africa have been key players in establishing and utilizing multilateral for a like the Bali Democracy Forum and the African Peer Review mechanism to share experiences and best practices in this domain.

Although participants agreed that democracy must be demand driven, disagreement emerged regarding the universality of democracy promotion. Some felt strongly that countries on the path of democracy have a responsibility to assist those who seek the same path. Others noted the negative connotations associated with democracy promotion and its perceived application as a post-hoc, faux justification for military intervention aimed at regime change, as with U.S. involvement in Iraq. Some also pointed to its selective application, especially when energy security interests take precedence over influencing, punishing, or removing repressive regimes, as with U.S. passivity in Bahrain and Saudi Arabia.

Some in the global South interpret democracy promotion as a U.S. agenda rather than a universal aspiration and wish to construct a unique brand of support for democracy in contrast to the U.S. and E.U. model. Rising democracies seek their own identity (also referred to as strategic autonomy) in an effort to avoid being seen as tools of more established powers. In one respect, this attitude has prompted emerging powers to act timidly with regards to democracy promotion, hiding behind the

fig leaves of sovereignty and non-intervention when asked by the international community to act outside their neighborhoods.

Nonetheless, such powers have actively promoted democracy in their regions through both bilateral and multilateral mechanisms. Indonesia, for example, was a key player in leveraging ASEAN to encourage Myanmar to undertake political change and in drafting the first ever ASEAN Declaration of Human Rights. However, emerging powers have been as complacent as established powers in indirectly suppressing democracy when other national interests take precedence, as with India's less than decisive response to the political crisis in the Maldives, or Brazil's uncritical support for Cuba. In response to the Arab Spring, rising democracies are for the first time being expected to grapple with the notion of democracy promotion beyond their own regions, an expectation many find difficult to fulfill. The prevalence of extremist ideologies and xenophobia, the increased threat of the tyranny of the majority, and the free and fair election of leaders the international community may dislike all posed significant red flags for emerging (and established) democracies and reinforced their reticence regarding democracy promotion. Other national interests like trade relations, energy dependence, migration and diaspora population concerns present roadblocks to greater international engagement on this issue.

The emergence of other domestic political and economic actors with their own interests and values plays an important role in shaping national interests, especially in emerging democratic powers. Some disagreement concerned which actors had the most

influence over the definition of national interests. In Brazil, for example, the private sector may be notably more influential than other domestic players, which complicates a truly national definition of priorities. Parliament plays an uneven and unpredictable role in formulating foreign policy, although legislators in emerging powers have begun taking greater interest. For example, Brazilian congressmen and senators recently joined a coalition with NGOs to hold the foreign minister accountable on human rights issues. While recognizing the important role legislators can play in inserting human rights into foreign policy, some acknowledged that their contribution could also be a mixed blessing due to nationalist, religious or ethnic political motivations.

Much conversation also involved the balancing of interests that sometimes conflict with human rights, such as national security and the economy. Some argued that human rights and democracy support must be managed in a way that does not jeopardize other national interests or relations with key trading partners like China. In this respect, constant calibration between interests and values is vital. Rising democracies will continue to define their own pace of democratization at home and support for democracy and human rights abroad, leading many observers to predict a continued period of inertia and inaction in responding to or preventing democratic breakdowns or mass human rights violations. The international community is thus tasked to advance a mutually respectful collaborative approach that appeals to both emerging and established powers and that achieves results. To successfully reach such a compromise, it

must identify approaches the global South feels comfortable employing and develop strategies to bring those tools to bear in new and challenging contexts.

The Arab Uprisings and the Responsibility to Protect

Although the Responsibility to Protect (R2P) is embraced as within democratic principles, its primary purpose is not democracy promotion. R2P's mission is atrocity prevention, though it is difficult to operationalize the concept. The application of R2P in Libya through military intervention authorized by the UN Security Council and the subsequent failure to exercise it in Syria as of yet has revealed many challenges inherent in current understandings of R2P. It also provided an important venue for conversation between established and emerging powers about humanitarian intervention. It is clear that a fundamental shift has taken place regarding humanitarian intervention and that more and more states embrace the broad values expressed by R2P. For example, most of the 118 states that mentioned Syria at the UN General Assembly in 2012 expressed concern about the population, up from less than a third who invoked Kosovo and East Timor in 1999. In addition, the IBSA Dialogue Forum sent a delegation to Syria, as did Turkey, a new rallying of emerging powers to address threats to human rights both inside and outside their own neighborhoods. This level of attention and the unprecedented advocacy of a policy of intervention by rising powers can be attributed at least in part to the improved quality of democracy in the rising democracies.

With the support of emerging powers like South Africa, UN Security Council Resolution 1973 authorized the use of force in Libya, but elicited rancor from some parties when it resulted in the overthrow of Moammar Gaddafi. Suspicions were voiced that Resolution 1973 had acted as cover for regime change, and because it was couched in the language of R2P, states began questioning the concept. In response to this breakdown in consensus, Brazil proposed the Responsibility While Protecting (RWP) principle, which emphasized the sequencing of measures to ensure all options were exhausted before using force, and called for greater accountability and reporting to the Security Council. Participants disagreed as to whether RWP served as a useful basis for conversation between the North and South, or if it represented a counterproductive Brazilian political move that merely inflamed rhetoric. Some of the good will engendered by RWP has begun to disintegrate as the situation in Syria continues to fester with no coordinated international response.

Admittedly, Libya and Syria are very different countries, especially in terms of the roles they play in the strategic interests of key actors. Nevertheless, the application of R2P in Libya but not in Syria highlights the phenomenon of selectivity, a topic of debate throughout the workshop. Participants agreed that crisis situations should be examined on a case-by-case basis, but at the same time many reinforced the global responsibility to support all states that are unable to adequately prevent mass atrocities. Some suggested that selectivity is the principled application of R2P but called for transparency in decision making to better understand a state's motivations for supporting or

denouncing intervention as an option. Others argued that universalizing the concept to make responsibility an obligation at all times in all cases is a fundamental challenge that the international community should pursue. At the very least, discourse must recognize that all states engage in some form of selectivity in order to advance the conversation.

It was pointed out that international responses to the Arab uprisings have been uneven not only in atrocity prevention but also democracy support. Emerging powers hesitate to lend support to the application of R2P in Syria lest it be used as a mask for regime change, as some perceive to have been in the case in Libya. However, established and emerging powers alike have not exercised leadership in universally supporting calls for democracy in countries of the Middle East because of overarching security concerns like energy and relations with Israel. And although emerging and established powers share an interest in energy security, they still differ on methodologies; a country may have leverage in a situation short of intervening militarily which might result in strategies that are most cost effective in money and lives. For example, South Africa resisted intervening militarily in Zimbabwe in response to democracy and human rights crises, despite international calls to do so, but was able, in their view, to improve elections there through alternative means. Likewise, it refused to intervene militarily in Sudan, instead employing a triangulation strategy that led to secession. Similarly, Turkey initially prioritized dialogue and consultation with the Assad regime, relying on the relationship it had cultivated with Syria over the last ten years to exhaust all

potential peaceful solutions. IBSA also sent a high-level diplomatic mission to Syria to try to negotiate a peaceful solution to the conflict and thereby ward off military intervention.

The Arab uprisings have fundamentally challenged the Western idea of the separation of church and state, and Arab democracy demands a redefinition of secularism that allows religious values, but not rules and regulations, to take root in society. Discussants will continue to have to confront this new reality as the conversation continues regarding democratization in the Arab world.

Current understandings of preventive diplomacy tools like R2P – especially how they relate to and affect emerging democracies – must be improved. The discussion prompted by the Brazilian proposal of RWP highlights the need for further conversation or clarification about R2P as a tool. There is still fear that R2P provides a blank check to pursue national interests rather than prevent atrocities. Therefore, a refocusing on R2P's purpose and intentions is needed, and may reduce objections to its proper application.

In addition, a multilateral coalition must be built and maintained to address mass atrocities such as in Syria. This requires ongoing messaging with all partners and the public to maintain support and communicate expectations and mission objectives.

Tools for International Cooperation on Democracy and Human Rights

Recent events show a clear incapacity of international mechanisms to effectively address major threats to democracy and human rights. While established democracies are quicker to pursue coercive tactics and emerging democracies strongly prefer dialogue and reconciliation, a variety of tools are available and being tested on the world stage. Indonesia seeks to make democracy and human rights foundational concerns at existing institutions like ASEAN, its new Commission on Human Rights (AICHR), and the G20. Indonesia's leadership in the adoption of the ASEAN Declaration of Human Rights and the establishment of the Bali Democracy Forum underscore this commitment. The Community of Democracies creates issue-based working groups to involve government and civil society and maximizes technology through the LEND network, connecting key leaders in transitioning countries with those in transitioned countries.

Another key tool touted by many participants is reliance on regional bodies as antenna in noting potential problems and as early movers in response to crises. The AU and SADC both have provisions to suspend any country that experiences an unconstitutional interruption, ECOWAS recently suspended Mali's membership in response to a coup, and UNASUR recently

exercised a similar provision against Paraguay. These and other multilateral mechanisms are critical because they reflect regional ownership without the presence of Northern powers and because such a coalition is less likely than a single nation to create further problems or receive pushback from local actors.

Participants discussed in depth the merits of democracy-inclusive forums and democracy-exclusive forums for discussion of important transnational issues. For example, the Community of Democracies reformed its invitation and governing council selection process in 2010 to ensure leadership consists of staunchly committed democracies while expanding participation at ministerial meetings to include countries at incipient stages of democracy. The Bali Democracy Forum, however, invites a broader base of participants, including China and Vietnam, in an effort to establish a conversation with more parties. While it was agreed that both style of forums are necessary and beneficial, participants lacked consensus as to when democracies should and should not include others in policy conversations.

Most participants with a global South view asserted that for any country to retain credibility in international cooperation on human rights and democracy, a strong human rights record at home is a vital requisite. Otherwise, the rules-based system that governs behavior is weakened by the perception that great powers write the rules but are not necessarily committed to following them. In this respect, emerging powers emphasize the importance of addressing human rights challenges domestically. For example, Brazil recently established a truth commission to investigate

human rights abuses under the military dictatorship and passed a freedom of information law to increase transparency. It has also engaged in international efforts to combat violence against women and encourage open government initiatives, key concerns within Brazil and essential to advancing its own democracy. No consensus was reached on the means by which accountability can be increased on the global level, although the need was clearly articulated. Emerging democratic powers are increasingly held to account by vibrant civil society organizations and media that feature voices from victims of violations and question government's actions abroad. Decision makers have noted this democratization of foreign policy and it continues to shape their processes and actions.

Words of caution tend to outweigh prescriptive solutions in discussing tools for international cooperation. According to some participants, limiting discussions on transnational issues to an exclusive club of democracies is a false dichotomy that discourse must move past. Engaging with imperfect democracies (like Venezuela and Bolivia) is crucial to encourage their continued development on the path of democracy. The regional dimension of democracy and human rights support should also be strengthened so that neighbors hold each other accountable for advancing democratic practices. Trade and regional economic integration can also be considered as a potentially effective tool for promoting values. States should also leverage their private sectors, which engage in new and different ways with civil society when investigating potential investment opportunities abroad, to take advantage of new avenues for dialogue. In addition, they

should encourage business leaders to prioritize their obligations to protect human rights and sustainable development. Finally, the international community must better coordinate its efforts to avoid overwhelming target populations, as has occurred with countries rushing to Tunisia's aid in its transition. It must also ensure that such aid is voluntary and in no way coercive.

The Politics of Foreign Policy in Democracies: The Human Rights Dimension

In the last session, participants articulated the tactics that facilitate action at the global level and the factors preventing further progress, with suggestions for improvement. Agreements at the UN Human Rights Council and other similar international flora are often reached by isolating extremists and working effectively with the middle. Diplomats are also successful when they can effectively navigate their governments in capital to alter a country's position on an issue. Therefore, personalities of the diplomats at the UN, the Human Rights Council, and other relevant bodies can play important roles in shaping the course of negotiations. Similarly, personal priorities of government leaders can influence how much importance is placed on human rights. U.S. Secretary of State Clinton has prioritized women's human rights and LGBT human rights, but Dilma Rousseff, President of Brazil, is a technocrat who prioritizes economic growth and social

protections. The foreign policies of the countries reflect these priorities. Many factors, including the realpolitik interests of emerging powers, resource constraints, political dynamics, personalities and what is politically and procedurally possible at international bodies all combine to explain why more action is not taken on human rights issues at the global level. For example, to highlight the importance of human rights in foreign policy, one European expert shared that the human rights section of the foreign ministry receives the highest number of parliamentary questions on foreign policy, while about half of the daily statements from the ministry spokesperson pertain to human rights. However, budget constraints and the current state of the economy prevent more robust action at this time. Another participant from an established democracy shared that internal bureaucratic politics limited the policy options available to diplomats which slowed action at the Human Rights Council and limited that country's opportunities to lead. Conversely, domestic politics forced India to change its vote at the Human Rights Council regarding a resolution calling on Sri Lanka to address human rights abuses. India had long resisted such resolutions, but thanks to overt pressure from a coalition partner, it became more active. This represents an unusual but important example of domestic politics prompting rather than impeding action on human rights at the international level.

Emerging democracies face major challenges in addressing their own human rights deficits at home. They largely lack a domestic constituency for a more human rights-oriented foreign policy, meaning the few NGOs advocating for these issues have a small

pool of support on which to draw. As a result, economic growth and private interests are usually prioritized over accountability. In Brazil, much of civil society has not been actively engaged on these issues, and in Indonesia, the discussion has traditionally been dominated by think tanks. This has begun to shift and influence on foreign policy has begun to diversify, but in many of the emerging powers this change is still in the nascent phases. In some cases, emerging democracies still struggle to maintain a high-quality representative system. The process of decentralization in Indonesia has led to a growing oligarchy which threatens the protection of minority rights – especially religious minorities but also women. Turkey has experienced serious backsliding regarding freedom of the press while continuing to wrestle with its own minority rights challenges. Overall, civil society engagement on foreign policy in emerging democracies has been limited but is improving. Attention should be paid to framing the discussion on a case-by-case basis to bring these issues into the public consciousness in the relevant countries.

Despite these challenges, most participants agreed that civil society and NGOs have an enormous role to play in shaping foreign policy regarding human rights. When governments refuse to act on important issues, civil society can apply pressure to prompt action. For example, when South Africa hesitated to broach LGBT rights at the Human Rights Council, South African civil society held the government accountable by bringing public attention to the prioritization of human rights codified in the 1994 constitution. This shamed South Africa into leading on this

issue. However, many participants asserted that civil society and NGOs must be more creative in approaching governments. While the foreign ministry is often the lead on foreign policy regarding human rights, many other ministries have equity in these crosscutting issues and shape (or block) the debate. Civil society and NGOs should approach other ministries – ministries concerned with the economy, education, and security, for example – to apply pressure and enact change. In addition, they can call upon leaders in the executive branch with a personal interest in democracy and human rights matters to apply pressure. For example, in Brazil, NGOs approached an attorney general who had previously worked in the human rights field to question the foreign ministry about an upcoming vote on North Korea. By invoking Article IV of the 1988 Brazilian Constitution, which codifies a commitment to human rights, the attorney general and NGOs were able to elicit a change in Brazil's vote.

While these recommendations may help civil society and NGOs bolster their impact, they must be prepared for pushback from governments. While governments in the global North revert to funding constraints and domestic pressure as motivations for their action or inaction, governments in the global South might rely on arguments that South-South cooperation should be emphasized over naming and shaming tactics and that the system operates under a double standard. Civil society and NGOs should accept and support South-South cooperation, but not complacency. They must demand leadership from their governments to ensure the safeguarding of the global democracy and human rights order.

Chapter 7

The Global Human Rights Regime

Scope of the Challenge

Although the concept of human rights is abstract, how it is applied has a direct and enormous impact on daily life worldwide. Millions have suffered crimes against humanity. Millions more toil in bonded labor. In the last decade alone, authoritarian rule has denied civil and political liberties to billions. The idea of human rights has a long history, but only in the past century has the international community sought to galvanize a regime to promote and guard them. Particularly, since the United Nations (UN) was established in 1945, world leaders have cooperated to codify human rights in a universally recognized regime of treaties, institutions, and norms.

An elaborate global system is being developed. Governments are striving to promote human rights domestically and abroad, and are partnering with multilateral institutions to do so. A particularly dynamic and decentralized network of civil-society actors is also involved in the effort.

Together, these players have achieved marked success, though the institutionalization and implementation of different rights is

progressing at varying rates. Response to mass atrocities has seen the greatest progress, even if enforcement remains inconsistent. The imperative to provide people with adequate public health care is strongly embedded across the globe, and substantial resources have been devoted to the challenge. The right to freedom from slavery and forced labor has also been integrated into international and national institutions, and has benefited from high-profile pressure to combat forced labor. Finally, the steady accumulation of human-rights-related conventions has encouraged most states to do more to implement binding legislation in their constitutions and statutes.

Significant challenges to promoting human rights norms remain, however. To begin with, the umbrella of human rights is massive. Freedom from slavery and torture, the imperative to prevent gender and racial persecution, and the right to education and health care are only some of the issues asserted as human rights. Furthermore, nations continue to dispute the importance of civil and political versus economic, social, and cultural rights. National governments sometimes resist adhering to international norms they perceive as contradicting local cultural or social values. Western countries—especially the United States—resist international rights cooperation from a concern that it might harm business, infringe on autonomy, or limit freedom of speech. The world struggles to balance democracy's promise of human rights protection against its historically Western identification.

Moreover, implementing respect for established human rights is problematic. Some of the worst violators have not joined central

rights treaties or institutions, undermining the initiatives' perceived effectiveness. Negligence of international obligations is difficult to penalize. The UN Charter promotes "fundamental freedoms," for example, but also affirms that nations cannot interfere with domestic matters. The utility of accountability measures, such as sanctions or force, and under what conditions, is also debatable. At times, to secure an end to violent conflict, negotiators choose not to hold human rights violators accountable. Furthermore, developing nations are often incapable of protecting rights within their borders, and the international community needs to bolster their capacity to do so—especially in the wake of the Arab Spring. Finally, questions remain over whether the UN, regional bodies, or other global actors should be the primary forums to advance human rights.

In the long term, strengthening the human rights regime will require a broadened and elevated UN human rights architecture. A steady coalition between the global North and South to harmonize political and economic rights within democratic institutions will also be necessary. In the meantime, regional organizations and nongovernmental organizations must play a larger role from the bottom up, and rising powers must do more to lead. Together, these changes are the world's best hope for durable and universal enjoyment of human rights.

Human Rights: Strengths and Weaknesses

Overall assessment: *Heightened attention, uneven regional efforts, weak global compliance*

The international human rights regime has made several welcome advances—including increased responsiveness in the Muslim world, attention to prevention and accountability for atrocities, and great powers less frequently standing in the way of action, notably at the UN Security Council (UNSC). Yet, despite responses to emergency cases demanding action, such as Sudan and Libya, global governance in ensuring human rights has faltered.

Many experts credit intergovernmental organizations (IGOs) for advances—particularly in civil and political rights. These scholars cite the creation of an assortment of secretariats, administrative support, and expert personnel to institutionalize and implement human rights norms. Overall, the United Nations (UN) remains the central global institution for developing international norms and legitimizing efforts to implement them, but the number of actors involved has grown exponentially.

The primary mechanisms include UNSC action, the UN Human Rights Council(UNHRC), committees of elected experts, various rapporteurs, special representatives, and working groups. War crimes tribunals—the International Criminal Court (ICC),

tribunals for the former Yugoslavia and Rwanda, and hybrid courts in Sierra Leone and Cambodia—also contribute to the development and enforcement of standards. All seek to raise political will and public consciousness, assess human-rights-related conduct of states and warring parties, and offer technical advice to states on improving human rights.

However, these mechanisms are far from consistent. Generally, when they are effective, they change states' conduct by publicizing abuses rather than by providing technical advice or applying punitive measures. For example, no global body was capable of forcing the United States to stop its mistreatment of detainees at the Guantanamo Bay Detention Facility, but mounting international pressure [PDF] did encourage fundamental U.S. reform of its detention and interrogation policies in 2009. As a result, skeptics also counter that other grassroots movements or organizations hold greater responsibility for rights improvements than global institutions. Furthermore, although progress in condemning and responding to atrocities has been significant, it has been limited in advancing civil and political rights. Many in the international community are reassessing economic, social, and cultural rights as IGOs increasingly link human rights to business practices and public health. Elsewhere, attention to the rights of women, minorities, and persecuted ethnic groups has steadily increased.

Of all rights-centered UN bodies, the UN Human Rights Council receives the most attention. In its former incarnation as the Commission on Human Rights, it developed a reputation for

allowing the participation—and even leadership—of notorious human rights abusers, undermining its legitimacy. Reconstituted as the UNHRC in 2006, the new forty-seven-member body has a higher threshold for membership as well as a universal periodic review (UPR) process, which evaluates the human rights records of states, including those on the council. Generally, the UPR has been welcomed as encouraging accountability and highlighting progress, and states have largely cooperated. However, Israel became the first state to withdraw from the review panel, breaking the established precedent of collaboration and cooperation. This follows a pattern of disproportionate focus on Israel—more than half of resolutions passed since 2006 have focused on Israeli actions in the Palestinian territories—while ignoring major abuses in other states.

The UN Security Council (UNSC) has more power to take action against human rights abusers. It can impose sanctions, mandate peacekeeping operations, and authorize use of force in extreme cases. Furthermore, UNSC deliberations are higher profile than UNHRC meetings and thus substantially elevate international attention to and pressure on rights violators. The UNSC deliberates on countries' abuses when they threaten international peace and security—but only when UNSC politics permit it. The five permanent UNSC members can all veto resolutions. France, the United Kingdom, and the United States tend to be the most vocal advocates for promoting human rights, though they routinely subordinate such concerns to strategic interests. China and Russia, however, often veto human rights interventions. Recently, major powers elected to the UNSC have been

ambivalent on human rights, and none of the three seeking permanent membership (Germany, Brazil, and India) voted to authorize the mission in Libya.

Increasingly, the locus of activity on human rights is moving to the regional level, but at markedly different paces from place to place. Regional organizations and powers contribute to advancing human rights protections in their neighborhoods by bolstering norms, providing mechanisms for peer review, and helping countries codify human rights stipulations within domestic institutions. Regional organizations are often considered the first lines of defense, and better able to address rights issues unique to a given area. This principle is explicitly mentioned in the UN Charter, which calls on member states to "make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies" before approaching the UNSC.

Major regional organizations in the Western Hemisphere, Europe, and Africa—such as the Organization of American States (OAS), the European Union (EU), and the African Union (AU)—have integrated human rights into their mandate and established courts to which citizens can appeal if a nation violates their rights. This has led to important rulings on slavery in Niger and spousal abuse in Brazil, for example, but corruption continues to hamper implementation throughout Latin America and Africa, and a dearth of leadership in African nations has slowed institutionalization.

Meanwhile, organizations in the Middle East and Asia, such as the Association of Southeast Asian Nations (ASEAN) and the South Asian Association for Regional Cooperation, focus primarily on economic cooperation and have historically made scant progress on human rights. The Arab League, however, broke with its precedent of disengagement by backing UN action against Libya and sanctioning Syria, and may prove more committed to protecting human rights in the wake of the Arab Spring.

Civil society efforts have achieved the most striking success in human rights, though they often interact with international institutions and many national governments. Nongovernmental (NGOs) provide valuable data and supervision, which can assist both states and international organizations. NGOs also largely rely on international organizations for funding, administrative support, and expert assistance. Indeed, more than 3,000 NGOs have been named as official consultants to the UN Economic and Social Council alone, and many more contribute in more abstract ways. Domestic NGOs understand needs on the ground far better than their international counterparts. That international NGOs are beginning to recognize this is clear in two recent developments. The first is financier-philanthropist George Soros's $100 million donation to Human Rights Watch to develop field offices staffed by locals, which enabled the organization to increase its annual operating budget to $80 million. Second, the number of capacity-building partnerships between Western-based NGOs and NGOs indigenous to a country is increasing. That said, NGOs have to date been more successful in advocacy—from

achieving passage of the Anti-Personnel Mine Ban Convention to calling attention to governments' atrocities against their own citizens. Yet NGOs devoted to implementing human rights compliance have been catching up—on issues from democratic transitions to gender empowerment to protecting migrants.

Norm and treaty creation: prodigious but overemphasized

The greatest strength of the global governance architecture has been creating norms. Myriad treaties, agreements, and statements have enshrined human rights on the international community's agenda, and some regional organizations have followed suit. These agreements lack binding clauses to ensure that action matches rhetoric, however, and many important violators have not signed on. In addition, states often attach qualifiers to their signatures that dilute their commitments.

The array of treaties establishing standards for human rights commitments is broad—from political and civil liberties to economic, social, and cultural rights to racial discrimination to the rights of women, children, migrant workers, and more recently the disabled. Other global efforts have focused on areas such as labor rights and human trafficking. Regional organizations, most notably the Council of Europe and the Organization of American States, have also promulgated related instruments, although less uniformly. In addition, member states have articulated declarations and resolutions establishing human rights standards, and increasingly so in economic affairs.

The United Nations Human Rights Council, in a departure from the premise that states are to be held accountable for human rights conduct, in 2011 even passed formal guidelines for related business responsibilities.

On the other hand, states are under are no binding obligation to observe or implement rights resolutions unless passed—without a veto—through the UN Security Council or one of the few regional bodies with binding authority over member states. Similarly, although the proliferation of treaties, conventions, and protocols over the past fifty years implies significant advances in human rights norms, the true impact of these measures is questionable.

First, many of the conventions, such as the Rome Statute or the Convention on the Rights of Migrant Workers and Their Families, have not been ratified by central players, such as the United States. Second, although calls for enhanced human rights norms have increased, consensus over implementation and compliance has not kept pace. In particular, whereas the global North has largely focused on advancing civil and political rights, the global South has tended to defend economic, social, and cultural rights. Third, even if a rights document is ratified, states often use reservations, understandings, and declarations (RUDs) to evade obligations, especially those of legally binding documents. They do so to avoid negative press or the potential for imbroglios from even moderately intrusive monitoring mechanisms.

Saudi Arabia is an apt example. The country has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), but one RUD states that the convention is not applicable when it conflicts with sharia law, which allows Riyadh to continue denying basic rights to women. Similarly, many have argued that the United States has undermined its already limited commitments on human rights by invoking complex RUDs. For example, Washington ratified the Convention on the Elimination of All Forms of Racial Discrimination, but with the qualifier that it would not trump U.S. constitutional protection for freedom of speech, and therefore not require banning hate groups such as the Ku Klux Klan.

The international community thus remains at serious risk of overemphasizing the creation of international norms. For these to be effectively implemented, the language in international treaties must be transplanted directly into domestic legal structures, but this process is often quite slow. Furthermore, rather than pursuing broader protections, the international community should at times focus on securing transparency guarantees from governments and assurance that nongovernmental organizations and UN rapporteurs can freely monitor human rights within national borders. Implementation of existing rights treaties and agreements might have more concrete effect than expanded protection on chapter.

Rights monitoring: proliferating experts, increasing peer-based scrutiny

Monitoring is imperative to matching rhetoric with action. Over the years, human rights monitoring has matured and developed considerably, though serious challenges remain, such as ensuring freedom from torture for suspected terrorists, and uniformly protecting and promoting human rights despite the biases of rights organizations or officials entrusted with doing so.

The original United Nations Commission on Human Rights and its successor Human Rights Council (UNHRC) both authorized a wide array of special procedures to monitor human rights protection in functional areas and particular countries. Since the UNHRC was established in 2006, country-specific mandates have decreased, and functional monitors addressing economic and social rather than political and civil liberties have increased.

In addition, each UN human rights treaty has an elected body of experts to which state parties must report at regular intervals on implementation. For instance, the Human Rights Committee (not to be confused with the Council) is charged with receiving reports about the implementation of the International Covenant on Civil and Political Rights (ICCPR) and making nonbinding "concluding observations" about states' overall compliance. The UN Convention Against Torture monitoring mechanism, the Committee Against Torture, is similar but can also send representatives to inspect areas where evidence of "systematic torture" exists. Very few parties to the convention (e.g., China,

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Syria, and Israel) have exercised the "opt-out" provision to avoid being subject to these inspections. (The United States has not opted out). The committee has exercised the mechanism eight times since 1990. In its first five years, a Subcommittee on Prevention of Torture has exercised the power to make on-the-ground inquiries sixteen times under the convention's First Optional Protocol, applicable only to its sixty-one parties.

Some observers believe that this array of special procedures and treaty bodies, bolstered by the Universal Periodic Review (UPR) of all member states, indicates a robust capacity to monitor human rights globally. This could, in turn, empower nongovernmental organizations to raise information and engage governments in countries where they operate. Others question the strength of the system, noting that the quality and personal biases of experts vary dramatically and that as much time is spent in the UPR on liberal states as on systematic rights abusers, and that non-Western states "pull their punches" in questioning peers.

Various regional bodies also monitor implementation of human rights. The Organization for Security and Cooperation in Europe and Council of Europe mechanisms are robust. The inter-American system is highly institutionalized but disinclined to address suspension of constitutional provisions by democratically elected leaders. The African Union has a promising foundation in its peer review mechanism, but it is largely unrealized in the human rights area. Other regional organizations, such as the Association of Southeast Asian Nations and the Gulf Cooperation Council, have no monitoring to speak of, despite

dramatic cases of abuses and public demand for better protections in their regions.

Capacity building: vital but underemphasized

Capacity building—especially for human rights—is often expensive and daunting, viewed with suspicion, and the success of assistance is notoriously hard to measure. In many cases, national governments have signed international commitments to promote and protect human rights, and earnestly wish to implement them, but are incapable of doing so. For example, many experts have noted that Libya may require an entirely new judicial system, following the collapse of Muammar al-Qaddafi's regime. On the other hand, some states refuse assistance from nongovernmental organizations (NGOS) and international organizations (IGOs), suspecting that it might interfere with domestic affairs. On balance, it also remains far easier, and less costly, for the international community to condemn, expose, or shame human rights abusers rather than provide material aid for human rights capacity building.

The international community has developed various ways to offer technical assistance. Most notable is the Office of the High Commissioner for Human Rights (OHCHR), established in 1993. In addition to providing an institutionalized moral voice, OHCHR offers technical assistance to states through an array of field offices—for example, by providing training to civilian law enforcement and judicial officials through its country office in Uganda, strengthening the Cambodian legal and institutional

framework for human rights, and assisting Mexico with development of a National Program on Human Rights. Such work is undercut, however, by member states' propensity to prefer unilateral support for capacity building, to favor naming and shaming over capacity building, or to oppose human rights capacity building as either a threat to sovereignty or tantamount to neocolonialism.

Regional organizations such as the Organization for Security Cooperation in Europe(OSCE), Council of Europe, Organization of American States (OAS),European Union, and to some extent the African Union, may be more effective than the United Nations in sharing best practices and providing capacity-building advice to states. Often capacity building entails training human rights protectors and defenders, but it may also include legal framework building or addressing countries' specific capacity deficits. The OSCE, for instance, collaborates with member states on election monitoring and offers training and education to human rights defenders through its Office for Democratic Institutions and Human Rights.

Human rights capacity building also occurs on a bilateral basis. Indeed, some developed states prefer providing bilateral assistance to working with IGOs and multilateral institutions because resources can be better monitored and projects more carefully tailored to support donor state interests. For instance, the U.S. Foreign Assistance Act of 1961, which laid the basis for the creation of the U.S. Agency for International Development (USAID), calls for the use of development assistance

to promote economic and civil rights. Since its inception, USAID has provided billions of dollars to support good governance, transparency building, and civil society projects worldwide. It recently gave hundreds of millions of dollars to Liberia to train judges, promote the rule of the law, and increase government transparency.

Meanwhile, other multilateral institutions like the World Bank, International Monetary Fund, and World Trade Organization also support human rights promotion, but tend to do so more indirectly, through poverty alleviation and community enhancement schemes. Together, though, these institutions face new constraints as the international community continues to grapple with the global financial crisis and unprecedented budget deficits.

NGOs, while indispensable actors in terms of implementing ground-level capacity building, mostly operate at the pleasure of national governments, and have little recourse if asked to cease operations or even leave a state entirely. Suspicious of NGO activity, some governments have attempted to pass laws limiting the activity of NGOs or requiring them to receive prior approval before engaging in capacity-building efforts. Ongoing controversy in Cambodia over proposed government regulation of NGOs epitomizes this problem. Furthermore, the March 2009 decision of Sudan's president, Omar al-Bashir, to order thirteen international NGOS to leave Sudan—in the aftermath of his indictment by the International Criminal Court—demonstrates that NGOs may be perceived as easy targets by

governments seeking to gain political or diplomatic leverage when pressed on their human rights records.

As a whole, successful capacity building forms the core of long-term efforts to improve human rights in countries. Regardless, human rights capacity building is often underemphasized both in states with the poorest of human rights as well as among countries or intergovernmental organizations that are most in a position to help. While NGOs are crucial contributors to capacity-building efforts, they cannot—and should not—shoulder the entire burden. Broad, crosscutting partnerships are essential for such efforts to enjoy success and produce sustainable human rights reform.

Response to atrocities: significant institutionalization, selective action

Atrocities of all sorts—whether war crimes, genocide, crimes against humanity, or ethnic cleansing—have been a major focus in the international community over the last two decades. A number of regional and country-specific courts, as well as the International Criminal Court (ICC), provide potential models for ending impunity. However, these courts have unevenly prosecuted violators of human rights, and have been criticized for focusing on some abuses or regions while ignoring others.

In the aftermath of the Balkans and Rwanda in the 1990s, where UN peacekeepers on the ground failed to prevent mass killing and sexual violence, efforts to establish preventive and responsive

norms to atrocities accelerated. To hold perpetrators accountable, the Rome Statute established the ICC as the standing tribunal for atrocities. The ICC was largely considered an alternative to ad hoc tribunals like those for the former Yugoslavia and Rwanda, which were criticized for proceeding too slowly and for requiring redundant and complex institution building. The ICC is the result of UN efforts to evaluate the prospects for an international court to address crimes like genocide as early as 1948.

The United States was at best ambivalent about the ICC, given concerns that its own military actions would be subject to accusations. President Clinton signed the Rome Statute but recommended against ratification. The George W. Bush administration informed the UN secretary-general that the United States no longer considered itself a signatory, and set about negotiating (after a congressional mandate threatening to cut aid to states that refused to sign such agreements) to avoid having its troops handed over to the court. Ultimately, however, that administration tacitly cooperated on an ICC case against Sudan for atrocities in Darfur. The Obama administration reengaged as an active observer at the Conference of the Rome Statute Parties, despite its wariness over ICC attempts to define the crime of aggression. The ICC's first prosecutor, Luis Moreno-Ocampo, vigorously pursued the first indictment of a sitting head of state, Sudan's Omar al-Bashir, but others have suggested that ICC proceedings have occurred no more quickly than those of ad hoc tribunals and remain too focused on pursuing cases in Africa.

As for preventive action, former UN secretary-general Kofi Annan championed stronger norms for intervention against ongoing atrocities. In the wake of the Kosovo crisis, Annan cited the need for clarifying when international intervention should legally be used to prevent atrocities in states. In response, the Canadian-sponsored International Commission on Intervention and State Sovereignty promoted the concept of the "responsibility to protect" (R2P) in 2000 and 2001. This principle sought to reframe the debate over humanitarian intervention in terms of state sovereignty. Specifically, it placed the primary responsibility on states to protect their own citizens. When states failed, responsibility would fall to the international community. Annan's *In Larger Freedom* report picked up on this concept, and R2P informed two paragraphs in the Outcome Document of 2005 UN World Summit. The latter also included an emphasis on the importance of capacity-building assistance to help states meet their R2P obligations. In the UN Security Council(UNSC), the R2P doctrine has been invoked repeatedly—first generically affirmed, then raised in semi-germane cases in 2008 (in Myanmar after a cyclone and in Kenya during post-election violence), and then conclusively in 2011 (UNSC Resolution 1973 on Libya).

Sudan has also served as a bellwether for international for the international community's capacity to respond to instances of atrocities. In 2004, in response to the depredations of government-backed *janja weed* forces against the inhabitants of Darfur, the United States issued a legal determination that genocide had been committed. Rape of women venturing outside camps for the internally displaced, however, continued long after

the UN became involved. A combined UN and African Union peacekeeping force was also established to help mitigate the violence. In 2009, the ICC indicted Bashir, but had neither the means to apprehend him nor the leverage to facilitate his capture.

In short, the international community has taken its greatest step by redefining sovereignty as answerable to legal international intervention should a state fail to shield its citizens from atrocities, or worse yet, sponsor them. However, state practice has not matched these norms, and it remains to be seen whether consensus about Libya was sui generis. The escalating conflict in Syria, in which over sixty thousand have been killed since March 2011, underscores the fact that, in reality, political concerns of the P5 often trump the doctrine of R2P.

Chapter 8

Human Rights, Democracy and Freedom

Closing the Gap between Rich and Poor

This year, 2008, marks the 60th Anniversary of the Universal Declaration of Human Rights (1948–2008). This declaration affirms that all human beings have the right to freedom from want and freedom from fear. These human rights are inclusive, interdependent and universal.

Whether we are concerned with suffering born of poverty, with denial of freedom, with armed conflict, or with a reckless attitude to the natural environment everywhere, we should not view these events in isolation. Eventually their repercussions are felt by all of us. We, therefore, need effective international action to address these global issues from the perspective of the oneness of humanity, and from a profound understanding of the deeply interconnected nature of today's world.

At birth, all human beings are naturally endowed with the qualities we need for our survival, such as caring, nurturing and loving kindness. However, despite already possessing such

positive qualities, we tend to neglect them. As a result, humanity faces unnecessary problems. What we need to do is to make more effort to sustain and develop these qualities. Therefore, the promotion of human values is of primary importance. We also need to focus on cultivating good human relations, for, regardless of differences in nationality, religious faith, race, or whether people are rich or poor, educated or not, we are all human beings. When we are facing difficulties, we invariably meet someone, who may be a stranger, who immediately offers us help. We all depend on each other in difficult circumstances, and we do so unconditionally. We do not ask who people are before we offer them help. We help because they are human beings like us.

Our world is increasingly interdependent, but I wonder if we truly understand that our interdependent human community has to be compassionate; compassionate in our choice of goals, compassionate in our means of cooperation and our pursuit of these goals. The awesome power that economic institutions have acquired in our society, and the distressing effects that poverty continues to wreak, should make all of us look for means of transforming our economy into one based on compassion. This form of compassion affirms the principles of dignity and justice for all embodied in the Universal Declaration of Human Rights.

Wherever it occurs, poverty is a significant contributor to social disharmony, ill health, suffering and armed conflict. If we continue along our present path, the situation could become irreparable. This constantly increasing gap between the â•˜haves' and â•˜have-nots' creates suffering for everyone. Concerned not

only for ourselves, our families, our community and country, we must also feel a responsibility for the individuals, communities and peoples who make up the human family as a whole. We require not only compassion for those who suffer, but also a commitment to ensuring social justice.

If we are serious in our commitment to the fundamental principles of equality that I believe lie at the heart of the concept of human rights, today's economic disparity can no longer be ignored. It is not enough merely to say that all human beings must enjoy equal dignity. This must be translated into action.

Democracy and Peace

Today, the values of democracy, open society, respect for human rights, and equality are becoming recognized all over the world as universal values. To my mind there is an intimate connection between democratic values and the fundamental values of human goodness. Where there is democracy there is a greater possibility for the citizens of the country to express their basic human qualities, and where these basic human qualities prevail, there is also a greater scope for strengthening democracy. Most importantly, democracy is also the most effective basis for ensuring world peace.

However, responsibility for working for peace lies not only with our leaders, but also with each of us individually. Peace starts within each one of us. When we have inner peace, we can be at peace with those around us. When our community is in a state of

peace, it can share that peace with neighbouring communities and so on. When we feel love and kindness toward others, it not only makes others feel loved and cared for, but it helps us also to develop inner happiness and peace. We can work consciously to develop feelings of love and kindness. For some of us, the most effective way to do so is through religious practice. For others it may be non-religious practices. What is important is that we each make a sincere effort to take seriously our responsibility for each other and the world in which we live.

Human Rights

Providing for equality under law, the declaration states that everyone is entitled to equal rights and freedoms without discrimination of any kind. Peace and freedom cannot be ensured as long as fundamental human rights are violated. Similarly, there cannot be peace and stability as long as there is oppression and suppression. It is unfair to seek one's own interests at the cost of other people's rights. Truth cannot shine if we fail to accept truth or consider it illegal to tell the truth. Where will the idea of truth and reality be if we push the truth and facts under the carpet and allow illegal actions to triumph?

Human Rights in Tibet

If we accept that others have an equal right to peace and happiness as ourselves, do we not have responsibility to help those in need? The aspiration for democracy and respect for

fundamental human rights is as important to the people of Africa and Asia as it is to those in Europe or the Americas. But of course it is often those people who are deprived of their human rights who are least able to speak up for themselves. The responsibility rests with those of us who do enjoy such freedoms.

There has been a sad turn of events in Tibet that must be understood as thoroughly as possible. Since the Chinese Government has accused me of orchestrating these protests in Tibet, I call for a thorough investigation by a respected body, which should include Chinese representatives, to look into these allegations. Such a body would need to visit Tibet, the traditional Tibetan areas outside the Tibet Autonomous Region, and also the Central Tibetan Administration here in India. In order for the international community, and especially the more than one billion Chinese people who do not have access to uncensored information, to find out what is really going on in Tibet, it would be tremendously helpful if representatives of the international media also undertook such investigations.

I believe that many of the violations of human rights in Tibet are the result of suspicion, lack of trust and true understanding of Tibetan culture and religion. As I have said many times in the past, it is extremely important for the Chinese leadership to come to a better and deeper understanding and appreciation of the Tibetan Buddhist culture and civilization. I absolutely support Deng Xiaoping's wise statement that we must "seek truth from facts." Therefore, we Tibetans must accept the progress and improvements that China's rule of Tibet has brought to the

Tibetan people and acknowledge it. At the same time the Chinese authorities must understand that the Tibetans have had to undergo tremendous suffering and destruction during the past five decades.

Despite some development and economic progress, Tibetan culture continues to face fundamental problems of survival. Serious violations of human rights continue throughout Tibet. Yet they are only the symptoms and consequences of a deeper problem. The Chinese authorities have so far been unable to take a tolerant and pluralistic view of Tibet's distinct culture and religion; instead they are suspicious of them and seek to control them. The majority of Chinese "development" plans in Tibet are designed to assimilate Tibet completely into the Chinese society and culture and to overwhelm Tibetans demographically by transferring large numbers of Chinese into Tibet. This unfortunately reveals that Chinese policies in Tibet continue to be harsh, despite the profound changes carried out by the Chinese government and the Party elsewhere in the People's Republic of China. Thus, as a result of deliberate policies, an entire people with its unique culture and identity are facing the threat of being utterly overwhelmed.

It is common knowledge that Tibetan monasteries, which constitute our principal seats of learning, besides being the repository of Tibetan Buddhist culture, have been severely reduced in both number and population. In those monasteries that do still exist, serious study of Tibetan Buddhism is no longer allowed; in fact, even admission to these centres of learning is

being strictly regulated. In reality, there is no religious freedom in Tibet. Even to call for a little more freedom is to risk being labelled a separatist. Nor is there any real autonomy in Tibet, even though these basic freedoms are guaranteed by the Chinese constitution.

I believe the demonstrations and protests taking place in Tibet reflect reaction to repression. Further repressive measures will not lead to unity and stability.

Human Rights and China

China needs human rights, democracy and the rule of law because these values are the foundation of a free and dynamic society. They are also the source of true peace and stability. I have no doubt either that an increasingly open, free and democratic China will be of benefit to the Tibetan people too. It is my firm belief that dialogue and a willingness to look with honesty and clarity at the reality in Tibet and China can lead us to a viable solution of our problems. While great progress has been made to integrate China into the world economy, I believe it is equally important to encourage her also to enter the mainstream of global democracy.

Improving Observance of Human Rights

Internationally, our rich diversity of cultures and religions should help to strengthen fundamental human rights in all communities. Underlying this diversity are basic human

principles that bind us all together as members of the same human family. The question of human rights is so fundamentally important that there should be no difference of views about it. We all have common human needs and concerns. We all seek happiness and try to avoid suffering regardless of our race, religion, sex or social status. However, mere maintenance of a diversity of traditions should never justify the violations of human rights. Thus, discrimination against persons of different races, against women, and against weaker sections of society may be traditional in some regions, but if they are inconsistent with universally recognized human rights, these forms of behaviour should change. The universal principle of the equality of all human beings must take precedence.

Inalienable Rights

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

In these memorable words of the American Declaration of Independence, Thomas Jefferson set forth a fundamental principle upon which democratic government is founded. Governments in a democracy do not grant the fundamental freedoms enumerated by Jefferson; governments are created to

protect those freedoms that every individual possesses by virtue of his or her existence.

In their formulation by the Enlightenment philosophers of the 17th and 18th centuries, inalienable rights are God-given natural rights. These rights are not destroyed when civil society is created, and neither society nor government can remove or "alienate" them.

Inalienable rights include freedom of speech and expression, freedom of religion and conscience, freedom of assembly, and the right to equal protection before the law. This is by no means an exhaustive list of the rights that citizens enjoy in a democracy-- democratic societies also assert such civil rights as the right to a fair trial--but it does constitute the core rights that any democratic government must uphold. Since they exist independently of government, these rights cannot be legislated away, nor are they subject to the momentary whim of an electoral majority. The First Amendment to the U.S. Constitution, for example, does not give freedom of religion or of the press to the people; it prohibits the Congress from passing any law interfering with freedom of speech, religion, and peaceful assembly. A historian, Leonard Levy, has said, "Individuals may be free when their government is not."

The detailed formulation of laws and procedures concerning these basic human rights will necessarily vary from society to society, but every democracy is charged with the task of building the

constitutional, legal, and social structures that will ensure their protection.

Speech

Freedom of speech and expression is the lifeblood of any democracy. To debate and vote, to assemble and protest, to worship, to ensure justice for all--these all rely upon the unrestricted flow of speech and information. Canadian Patrick Wilson, creator of the television series *The Struggle for Democracy*, observes: "Democracy is communication: people talking to one another about their common problems and forging a common destiny. Before people can govern themselves, they must be free to express themselves."

Citizens of a democracy live with the conviction that through the open exchange of ideas and opinions, truth will eventually win out over falsehood, the values of others will be better understood, areas of compromise more clearly defined, and the path of progress opened. The greater the volume of such exchanges, the better. American essayist E.B. White put it this way: "The press in our free country is reliable and useful not because of its good character but because of its great diversity. As long as there are many owners, each pursuing his own brand of truth, we the people have the opportunity to arrive at the truth and dwell in the light....There is safety in numbers."

In contrast to authoritarian states, democratic governments do not control, dictate, or judge the content of written and verbal

speech. Democracy depends upon a literate, knowledgeable citizenry whose access to the broadest possible range of information enables them to participate as fully as possible in the public life of their society. Ignorance breeds apathy. Democracy thrives upon the energy of citizens who are sustained by the unimpeded flow of ideas, data, opinions, and speculation.

But what should the government do in cases where the news media or other organizations abuse freedom of speech with information that, in the opinion of the majority, is false, repugnant, irresponsible, or simply in bad taste? The answer, by and large, is nothing. It is simply not the business of government to judge such matters. In general, the cure for free speech is more free speech. It may seem a paradox, but in the name of free speech, a democracy must sometimes defend the rights of individuals and groups who themselves advocate such non-democratic policies as repressing free speech. Citizens in a democratic society defend this right out of the conviction that, in the end, open debate will lead to greater truth and wiser public actions than if speech and dissent are stifled.

Furthermore, the advocate of free speech argues, the suppression of speech that I find offensive today is potentially a threat to my exercise of free speech tomorrow--which perhaps you or someone else might find offensive. One of the classic defenses of this view is that of English philosopher John Stuart Mill, who argued in his 1859 essay "On Liberty" that all people are harmed when speech is repressed. "If the opinion is right, they are deprived of the opportunity of exchanging error for truth," Mill wrote, "if

wrong, they lose...the clearer perception and livelier impression of truth produced by its collision with error."

The corollary to freedom of speech is the right of the people to assemble and peacefully demand that the government hear their grievances. Without this right to gather and be heard, freedom of speech would be devalued. For this reason, freedom of speech is considered closely linked to, if not inseparable from, the right to gather, protest, and demand change. Democratic governments can legitimately regulate the time and place of political rallies and marches to maintain the peace, but they cannot use that authority to suppress protest or to prevent dissident groups from making their voices heard.

Freedom and Faith

Freedom of religion, or more broadly freedom of conscience, means that no person should be required to profess any religion or other belief against his or her desires. Additionally, no one should be punished or penalized in any way because he or she chooses one religion over another or, indeed, opts for no religion at all. The democratic state recognizes that a person's religious faith is a profoundly personal matter.

In a related sense, freedom of religion means that no one can be compelled by government to recognize an official church or faith. Children cannot be compelled to go to a particular religious school, and no one can be required to attend religious services, to pray, or to participate in religious activities against his or her

will. By reason of long history or tradition, many democratic nations have officially established churches or religions that receive state support. This fact, however, does not relieve the government of the responsibility for protecting the freedom of individuals whose beliefs differ from that of the officially sanctioned religion.

Citizenship: Rights and Responsibilities

Democracies rest upon the principle that government exists to serve the people; the people do not exist to serve the government. In other words, the people are citizens of the democratic state, not its subjects. While the state protects the rights of its citizens, in return, the citizens give the state their loyalty. Under an authoritarian system, on the other hand, the state, as an entity separate from the society, demands loyalty and service from its people without any reciprocal obligation to secure their consent for its actions.

When citizens in a democracy vote, for example, they are exercising their right and responsibility to determine who shall rule in their name. In an authoritarian state, by contrast, the act of voting serves only to legitimize selections already made by the regime. Voting in such a society involves neither rights nor responsibilities exercised by citizens--only a coerced show of public support for the government.

Similarly, citizens in a democracy enjoy the right to join organizations of their choosing that are independent of

government and to participate freely in the public life of their society. At the same time, citizens must accept the responsibility that such participation entails: educating themselves about the issues, demonstrating tolerance in dealing with those holding opposing views, and compromising when necessary to reach agreement.

In an authoritarian state, however, private voluntary groups are few or nonexistent. They do not serve as vehicles for individuals to debate issues or run their own affairs, but only as another arm of the state that holds its subjects in positions of obedience.

Military service provides a different but equally contrasting example of rights and responsibilities in democratic and non-democratic societies. Two different nations may both require a period of peacetime military service by their young men. In the authoritarian state, this obligation is imposed unilaterally. In the democratic state, such a period of military service is a duty that the citizens of the society have undertaken through laws passed by a government they themselves have elected. In each society, peacetime military service may be unwelcome for individuals. But the citizen-soldier in a democracy serves with the knowledge that he is discharging an obligation that his society has freely undertaken. The members of a democratic society, moreover, have it within their power to act collectively and change this obligation: to eliminate mandatory military service and create an all-volunteer army, as the United States and other countries have done; change the period of military service, as happened in

Germany; or, as in the case of Switzerland, maintain reserve military service for men as an essential part of citizenship.

Citizenship in these examples entails a broad definition of rights and responsibilities, since they are opposite sides of the same coin. An individual's exercise of his rights is also his responsibility to protect and enhance those rights--for himself and for others. Even citizens of well-established democracies often misunderstand this equation, and too often take advantage of rights while ignoring responsibilities. As political scientist Benjamin Barber notes, "Democracy is often understood as the rule of the majority, and rights are understood more and more as the private possessions of individuals and thus as necessarily antagonistic to majoritarian democracy. But this is to misunderstand both rights and democracy."

It is certainly true that individuals exercise basic, or inalienable, rights--such as freedom of speech, assembly, and religion--which thereby constitute limits on any democratically based government. In this sense, individual rights are a bulwark against abuses of power by the government or a momentary political majority.

But in another sense, rights, like individuals, do not function in isolation. Rights are not the private possession of individuals but exist only insofar as they are recognized by other citizens of the society. The electorate, as the American philosopher Sidney Hook expressed it, is "the ultimate custodian of its own freedom." From this perspective, democratic government, which is elected by and

accountable to its citizens, is not the antagonist of individual rights, but their protector. It is to enhance their rights that citizens in a democracy undertake their civic obligations and responsibilities.

Broadly speaking, these responsibilities entail participating in the democratic process to ensure its functioning. At a minimum, citizens should educate themselves about the critical issues confronting their society--if only to vote intelligently for candidates running for high office. Other obligations, such as serving juries in civil or criminal trials, may be required by law, but most are voluntary.

The essence of democratic action is the active, freely chosen participation of its citizens in the public life of their community and nation. Without this broad, sustaining participation, democracy will begin to wither and become the preserve of a small, select number of groups and organizations. But with the active engagement of individuals across the spectrum of society, democracies can weather the inevitable economic and political storms that sweep over every society, without sacrificing the freedoms and rights that they are sworn to uphold.

Active involvement in public life is often narrowly defined as the struggle for political office. But citizen participation in a democratic society is much broader than just taking part in election contests. At the neighborhood or municipal level, citizens may serve on school committees or form community groups, as well as run for local office. At the state, provincial, or national

level, citizens can add their voices and pens to the continuing debate over public issues, or they can join political parties, labor unions, or other voluntary organizations. Whatever the level of their contribution, a healthy democracy depends upon the continuing, informed participation of the broad range of its citizens.

Democracy, Diane Ravitch writes, "is a process, a way of living and working together. It is evolutionary, not static. It requires cooperation, compromise, and tolerance among all citizens. Making it work is hard, not easy. Freedom means responsibility, not freedom from responsibility."

Democracy embodies ideals of freedom and self-expression, but it is also clear-eyed about human nature. It does not demand that citizens be universally virtuous, only that they will be responsible. As American theologian Reinhold Niebuhr said: "Man's capacity for justice makes democracy possible, but man's inclination to injustice makes democracy necessary."

Human Rights and Political Goals

As a principle, the protection of basic human rights is accepted widely: It is embodied in written constitutions throughout the world as well as in the Charter of the United Nations and in such international agreements as the Helsinki Final Act (the Conference on Security and Co-operation in Europe--CSCE). Distinguishing among different categories of rights is another matter. In recent times, there has been a tendency, especially

among international organizations, to expand the list of basic human rights. To fundamental freedoms of speech and equal treatment before the law, these groups have added rights to employment, to education, to one's own culture or nationality, and to adequate standards of living.

These are all worthwhile undertakings, but when such entitlements proliferate as rights, they tend to devalue the meaning of basic civic and human rights. Furthermore, they blur the distinction between rights that all individuals possess and goals toward which individuals, organizations, and governments may reasonably be expected to strive.

Governments protect inalienable rights, such as freedom of speech, through restraint, by limiting their own actions. Funding education, providing health care, or guaranteeing employment demand the opposite: the active involvement of government in promoting certain policies and programs. Adequate health care and educational opportunities should be the birthright of every child.

The sad fact is that they are not, and the ability of societies to achieve such goals will vary widely from country to country. By transforming every human aspiration into a right, however, governments run the risk of increasing cynicism and inviting a disregard of all human rights.

Democratic Government

Democracy and Power

For authoritarians and other critics, a common misapprehension is that democracies, lacking the power to oppress, also lack the authority to govern. This view is fundamentally wrong: Democracies require that their governments be limited, not that they be weak. Viewed over the long course of history, democracies do indeed appear fragile and few, even from the vantage point of a decade of democratic resurgence. Democracies have by no means been immune to the tides of history; they have collapsed from political failure, succumbed to internal division, or been destroyed by foreign invasion. But democracies have also demonstrated remarkable resiliency over time and have shown that, with the commitment and informed dedication of their citizens, they can overcome severe economic hardship, reconcile social and ethnic division, and, when necessary, prevail in time of war.

It is the very aspects of democracy cited most frequently by its critics that give it resiliency. The processes of debate, dissent, and compromise that some point to as weaknesses are, in fact, democracy's underlying strength. Certainly, no one has ever accused democracies of being particularly efficient in their deliberations: Democratic decision-making in a large, complex society can be a messy, grueling, and time-consuming process. But in the end, a government resting upon the consent of the governed can speak and act with a confidence and authority

lacking in a regime whose power is perched uneasily on the narrow ledge of military force or an unelected party apparatus.

Checks and Balances

One of the most important contributions to democratic practice has been the development of a system of checks and balances to ensure that political power is dispersed and decentralized. It is a system founded on the deeply held belief that government is best when its potential for abuse is curbed and when it is held as close to the people as possible.

As a general term, checks and balances has two meanings: federalism and separation of powers.

Federalism is the division of government between the national, state or provincial, and local levels. The United States, for example, is a federal republic with states that have their own legal standing and authority independent of the federal government. Unlike the political subdivisions in nations such as Britain and France, which have a unitary political structure, American states cannot be abolished or changed by the federal government. Although power at the national level in the United States has grown significantly in relation to state authority in the 20th century, states still possess significant responsibilities in such fields as education, health, transportation, and law enforcement. In centralized, or "unitary," systems, these functions are administered by the national government. For their part, the individual states in the United States have generally

followed the federalist model by delegating many functions, such as the operation of schools and police departments, to local communities. The divisions of power and authority in a federal system are never neat and tidy--federal, state, and local agencies can all have overlapping and even conflicting agendas in such areas as education, for example--but federalism does maximize opportunities for the citizen involvement so vital to the functioning of democratic society.

In its second sense, checks and balances refer to the separation of powers that the framers of the American Constitution in 1789 so painstakingly established to ensure that political power would not be concentrated within a single branch of the national government. James Madison, perhaps the central figure in the drafting of the Constitution and later fourth president of the United States, wrote: "The accumulation of all powers, legislative, executive, and judiciary, in the same hands...may justly be pronounced the very definition of tyranny."

Separation of powers is in some ways a misleading term, because the system devised by Madison and the other framers of the Constitution is more one of shared rather than separate powers. Legislative authority, for example, belongs to the Congress, but laws passed by Congress can be vetoed by the president. The Congress, in turn, must assemble a two-thirds majority in both the House of Representatives and the Senate to override a presidential veto. The president nominates ambassadors and members of the cabinet, and negotiates international treaties-- but all are subject to approval by the Senate. So is the selection

of federal judges. As another example, the Constitution specifies that only the Congress has the power to declare war, although the president is commander-in-chief of the armed forces--a source of tension between the two branches that was apparent during the protracted Vietnam War of the 1960s and early 1970s and in the brief Gulf conflict of 1990- 91. Because of the need for congressional approval to enact a political program, political scientist Richard Neustadt has described presidential power in the United States as "not the power to command, but the power to persuade."

Not all the checks and balances within the federal government are specified in the Constitution. Some have developed with practice and precedent. Perhaps the most important is the doctrine of judicial review, established in an 1803 court case, which gives the U.S. Supreme Court the power to declare acts of Congress unconstitutional.

The separation of powers in the American system is often inefficient, but it provides an important safeguard against the potential abuse of power by government--an issue that every democracy must confront.

Prime Ministers and Presidents

Among a democracy's most important decisions is the method of electing its leaders and representatives. In general, there are two choices. In a parliamentary system, the majority party in the legislature, or a coalition of parties, forms a government headed

by a prime minister. This system of parliamentary government, which first evolved in Great Britain, is today practiced in most of Europe, the Caribbean, Canada, India, and many countries in Africa and Asia (often former British colonies). The other major method is direct election of a president independently of the legislature. This presidential system is practiced today in much of Latin America, the Philippines, France, Poland, and the United States.

The chief difference between parliamentary and presidential systems is the relationship between the legislature and the executive. In a parliamentary system, they are essentially one and the same, since the prime minister and members of the cabinet are drawn from the parliament. Typically, the government's term of office will run for a specified period--four or five years, for example--unless the prime minister loses a majority in parliament. In that case the government falls and new elections are held. Alternatively, another party leader is offered a chance to form a government by the head of state, either a president or constitutional monarch, whose role is chiefly symbolic.

The separation of powers characteristic of the American-style presidential system is lacking, since parliament is the preeminent governing institution. Instead, parliamentary systems must rely much more heavily on the internal political dynamics of the parliament itself to provide checks and balances on the power of the government. These usually take the form of a single organized opposition party that "shadows" the government, or of

competition among multiple opposition parties. In a presidential system, both the head of government and the head of state are fused in the office of the president. The president is elected for a specified period directly by the people, as are the members of the congress. As one element of the separation of powers, members of the president's cabinet are usually not members of congress. Presidents normally can be removed from office before finishing their terms only for serious crimes or malfeasance in office. A legislative majority for the president's party can ease passage of his political program, but unlike prime ministers, presidents do not depend on such majorities to remain in office.

Representatives

Another important decision of any democracy is how to organize elections. The fundamental choices are again two: plurality elections or proportional representation. Plurality elections, sometimes referred to as "winner-take-all," simply mean that the candidate with the most votes in a given district wins--whether a plurality (less than 50 percent but more than any rival) or a majority (more than 50 percent). Presidents are elected in a similar fashion, but on a nationwide basis. Some systems provide for runoff elections between the top two candidates if no one receives an outright majority in the first round. Plurality systems tend to encourage two broadly based political parties that dominate the political scene.

By contrast, voters in a system of proportional representation, such as that employed in much of Europe, usually cast ballots

for political parties, not for individual candidates. Party representation in the national legislature is determined by the percentage, or proportion, of votes received by each party in the election. In a parliamentary system, the leader of the majority party becomes the prime minister and selects the cabinet from the parliament. If no party has received a majority, the parties engage in intensive negotiations to form a ruling coalition of parties. Proportional representation tends to encourage multiple parties that, even though each commands the loyalty of only a relatively small percentage of voters, often find themselves negotiating for a place in a coalition government.

Parliaments and Presidents

A principal claim for parliamentary systems, which today make up the majority of democracies, is their responsiveness and flexibility. Parliamentary governments, especially if elected through proportional representation, tend toward multiparty systems where even relatively small political groupings are represented in the legislature. As a result, distinct minorities can still participate in the political process at the highest levels of government. This diversity encourages dialogue and compromise as parties struggle to form a ruling coalition. Should the coalition collapse or the party lose its mandate, the prime minister resigns and a new government forms or new elections take place--all without a crisis threatening the democratic system itself.

The major drawback to parliaments is the dark side of flexibility and power sharing: instability. Multiparty coalitions may be

fragile and collapse at the first sign of political crisis, resulting in governments that are in office for relatively short periods of time. The government may also find itself at the mercy of small extremist parties that, by threatening to withdraw from the ruling coalition and forcing the government to resign, can make special policy demands upon the government. Moreover, prime ministers are only party leaders and lack the authority that comes from being directly elected by the people.

Another concern is the lack of formal institutional checks on parliamentary supremacy. A political party with a large enough majority in parliament, for example, could enact a far-reaching, even anti-democratic political program without any effective limits to its actions, raising the prospect of a tyranny of the majority.

For presidential systems, on the other hand, the principal claims are direct accountability, continuity, and strength. Presidents, elected for fixed periods by the people, can claim the authority deriving from direct election, whatever the standing of their political party in the Congress. By creating separate but theoretically equal branches of government, a presidential system seeks to establish strong executive and legislative institutions, each able to claim its electoral mandate from the people and each capable of checking and balancing the other. Those who fear the potential for executive tyranny will tend to emphasize the role of the Congress; those concerned with the potential abuse of a transient majority in the legislature will assert the authority of the president.

The weakness of separately elected presidents and legislatures is potential stalemate. Presidents may not possess the votes to enact their program, but by employing their veto power, they can prevent the congress from substituting its own legislative program.

Presidents, by virtue of their direct election, may appear more powerful than prime ministers. But they must contend with legislatures that, whether or not controlled by the opposition, possess an election base independent of the president's. Party discipline, therefore, is considerably weaker than in a parliamentary system. The president cannot, for example, dismiss or discipline rebellious party members as a prime minister usually can. A prime minister with a firm parliamentary majority is assured of passage of the government's legislative program; a president dealing with a congress jealous of its own prerogatives must often engage in protracted negotiations to ensure a bill's passage.

Which system best meets the requirements of a constitutional democracy: parliamentary or presidential? The answer is the subject of continuing debate among political scientists and politicians, in part because each system has unique strengths and weaknesses. It should be noted, however, that both are compatible with constitutional democracy, although neither guarantees it.

Democracy, human rights and freedom of expression

Poverty is not just about lack of food, water or a roof over your head. Being poor also implies suffering from lack of power and choice. Democracy, human rights and gender equality are therefore overall targets for all of Sweden's development assistance efforts.

Fair treatment, freedom from discrimination on the basis of gender, sexual preference, age, disability or ethnic background and the ability to affect your own life as well as the society in which you live are basic human and democratic rights that are immensely important in combating poverty.

These rights are by far not fulfilled for millions of people. The overall target for Sweden's development cooperation is to contribute to improved living conditions for people living under oppression and in poverty. Democracy and human rights including freedom of speech are therefore areas where Sweden is investing most. Strengthened democracy and gender equality, increased respect for human rights and freedom from oppression is also one of the six subsidiary objectives in the Swedish government's aid policy framework.

All our democracy and human rights work has its origins in the Universal Declaration of Human Rights that the UN member states signed more than 60 years ago, and which has later been

supplemented with several important conventions. The starting point is that human rights are universal, indivisible and interdependent.

Providing support in these areas is met with some controversy, mainly due to the fact that it involves sharing power in the society, so that women and men living in poverty have a greater say. Sida is therefore working with these issues in many different ways and together with several stakeholders – governments in partner countries, international organisations such as the UN and the World Bank and with popular movements and other civil organisations in Sweden and the partner countries.

Defenders of human rights often live dangerously because they criticise government policies and actions. They are the victims of death threats, kidnappings and arbitrary detentions – and physical attacks including sexual violence, torture and murder. Their public and private lives are heavily controlled and monitored. Actively supporting the struggle against violence and oppression is an important part of Sida's work for democracy and respect of human rights.

Mainstreaming the rights' perspective

The rights' perspective and poor people's view of their situation should pervade all development assistance efforts. This is about making people more aware of their rights and about creating better conditions for states to live up to their commitments towards their citizens.