

Democracy, development and human rights:

A South Asian perspective

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■ Within the past few years, the world has witnessed momentous changes. Perhaps there is no comparable period in this century which has so dramatically changed the course of human destiny. During these years, we witnessed the liberal democratic transitions in Eastern Europe, the collapse and subsequent disintegration of the Soviet Union into sovereign, equal and independent Republics, somewhat loosely linked together as the Commonwealth of Independent States. These changes had important consequences for the developing world, for with the collapse of an ideology there was similar loss of certainty with regard to the efficacy of an alternative development vision.

The South Asian region is one characterized by extraordinary geographical, political and socio-economic diversity. The problems of maintaining political stability and institution building are compounded by massive economic and demographic pressures. The region accounts for a mere two per cent of the

global income but needs to support 22 per cent of the global population.

Almost half the population of the region is believed to live below the poverty line without basic needs. The region has, further, a population increase of 25 million per year, which is five times the population increase of OECD countries. Despite this diversity and complexity, it is a region which has the largest population committed to periodic elections, representative institutions, fundamental rights and democratic freedoms. It is, therefore, a region of considerable importance in terms of constitutional experimentation, institutional re-appraisal and renewal. Issues of constitutionalism, human rights and democracy are at the centre of the political and intellectual agenda.

Paul Sieghart, the renowned human rights scholar and activist, has stated that one of the most cynical propositions in politics is that 'you cannot make omelettes without breaking eggs'. In the field of economic development, it has meant that you cannot create the benefits of growth, without violating at least temporarily the human rights of a substantial number of citizens. This thesis has led many countries in South East Asia to argue that human rights and democracy must be subordinated to the imperatives of development. It was one of the singular achievements of this development decade that it is now widely advocated that human rights

Almost half the population in South Asia are believed to live below the poverty line. Refugees from Myanmar seek help in Bangladesh





A man works at a fish culture project in Bangladesh: central to any process of development is the elimination of poverty

are integral to development. This means that respect for individual human rights promotes and does not hinder economic development. This view of the interdependence of human rights and development is embodied in the UN Declaration on the Right to Development which was adopted by the General Assembly on 4 December 1986.

Several scholars believe that one of the more important innovations of the UN Declaration is the provision mandating states to remove 'obstacles' to development arising from the failure to respect rights and freedoms. This means that the state itself will need to (a) observe and respect the rights and freedoms as embodied in the international human rights covenants and related instruments, and (b) address the need to reform state structures, institutions, and policies which are an obstacle to the realization of these rights. Obstacles to development can also arise from civil society. The humanity of tribal groups, minorities and disadvantaged social groups is often violated

by institutions and practices which operate in civil society. The violators of rights in these cases are not merely the agents of state power but the holders of social status and of economic power.

There are, however, disturbing trends in the opposing direction which again seem to question the indivisibility of human rights and development. In exploring this relationship between development and human rights, it has been increasingly argued that the developmental models that are being adopted, particularly in South Asia, are incompatible with the realization of human rights and of social justice. These models are being vigorously advocated by multilateral financial institutions like the World Bank and the International Monetary Fund and by several members of the donor community. They involve the adoption of policies which are intended to favour private sector developments and the commercialization and privatization of state enterprises. An economic model with its primary emphasis on the market involves legislative and other policy measures directed towards dismantling of state controls, the liberalization of foreign exchange, the promotion of foreign investment and capital market development.

Critics of this developmental model point out that these policies are likely to increase inequality and regional disparity. They have further resulted in the reduction of social welfare measures intended to benefit the urban and the rural poor and have contributed to dislocation, and insecurity within the workforce. In an attempt to contain wage demands in industrial estates and free trade zones, trade union rights are restricted and unionization is often discouraged. It is further argued that the advocacy of this economic model results in the centralization of decision-making and an increase in the authoritarian character of the state. It further results in progressive exclusion of non-governmental organizations and people's movements from critical decision-making on investment projects, large scale agro-industrial or dam projects which could have an impact on the rights of minorities and indigenous people. The traditional coalition of social forces consisting of trade unions, peasant organizations, and developmental groups are less capable of resisting developmental projects which have an adverse environmental or human rights impact because of their inability to consistently articulate an alternative developmental vision. These developments, therefore, are viewed with great alarm and as having an impact not merely on the social and economic rights of the disadvantaged groups, but also in

The Government of Saint Lucia supported the convening of the World Conference on Human Rights under the auspices of the United Nations. Despite the adoption in 1948 of the Universal Declaration of Human Rights, there are still too many areas of the world which are beset with human suffering and strife, resulting from a lack of respect for fundamental rights and freedoms. I hope, therefore, that the results of the Conference will bring about an improvement in the implementation of existing human rights instruments and UN methods and mechanisms, with a view to reducing the suffering inflicted on so many people of this world.

Rt. Hon. John G.M. Compton
Prime Minister
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compromising the right to associate and the right to participate effectively in political and economic decision-making.

Central to any process of development is the elimination of poverty. Poverty is associated with widespread denial of human rights as the poor are powerless and are unable to organize and defend themselves. Human rights groups therefore remain convinced that the developmental models that many South Asian countries consider inevitable involving structural adjustment policies would result in the further impoverishment and marginalization of the poor, and of disadvantaged groups.

A question which has become central to the relationship between human rights and development is the issue of political conditionalities. This means that the industrialized countries which provide developmental assistance insist that the continuance of such assistance would be dependent on the observance of political conditions such as good governance and the observance of civil and political rights.

Developing countries, by and large, have resisted the link between human rights and aid on the grounds that such conditions infringe on their national sovereignty. Human rights groups, on the other hand, have welcomed such initiatives as they believe that they are likely to result in improved compliance with international human rights standards. They also argue that there are no issues of national sovereignty which would serve as a barrier to international concern on human rights and humanitarian issues. They further argue that developing countries, by becoming a signatory to international human rights instruments, voluntarily accept international scrutiny of their domestic human rights records.

But this question of the link between human rights and development threatens to further polarize the international community along North-South lines.

If the donor community is to be effective in maintaining this policy, there is a need for both credibility and consistency. Credibility is related to the ability of the North to ensure that the 'South' within its national borders – such as refugees, migrant workers and its own under-class – are not subject to discriminatory and arbitrary treatment. There can be no such credibility if there is conspicuous disparity between domestic practices and international policies on human rights questions. Issues of consistency arise when there is selectivity with regard to the countries who are subject to punitive measures. Is the decision to suspend or terminate developmental assistance based solely on human rights considerations or is it

more likely that factors such as geo-political importance, the economic model pursued by the recipient country and domestic politics are likely to influence such decisions?

The whole question of political conditionalities has also resulted in criticism that developed countries are seeking to impose western values and institutions on non-western societies under the guise of promoting good governance and human rights. The result is that the universal character of human rights is now being challenged by many nations in the South.

However, the discourse on human rights and development needs to be enriched by explicit reference to the religious and cultural traditions of South Asia. The rhetoric on basic rights and freedoms is based on statist and individualistic conceptions. The base of support for fundamental rights can be expanded if it is linked to belief systems which have given content and meaning to the social and religious experiences of the people within South Asia. These indigenous, cultural and religious traditions emphasize communitarian conceptions of justice, and conciliatory and consensual approaches to the resolution of conflict.

Obligations of reciprocity within a family facilitate attitudes and values supportive of the right of the child and the needs of the elderly. Such an approach leads to more effective protection of social rights than what could be available in a legal culture which views these issues exclusively in terms of an individual's claim against the state.

There are other ideas, such as 'dharma', which are central to the Hindu-Buddhist theory of justice and define the moral limits which rulers may not transgress if they are to command the allegiance of their subjects. Very little effort has been made to imaginatively build on such concepts to articulate principles of governance and democratic accountability which draw on the language and idioms which form part of the Hindu-Buddhist tradition. Similar attempts need to be made to draw the linkages between constitutional values and the rhetoric of rights on the one hand, and the concepts, ideas and institutions which are central to the belief systems and the world view of Islam, on the other.

In the struggle for development and human rights we must remind ourselves that our common endeavour should be to prove that 'the spirit of man can transcend the flaws of human nature'.

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