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CHRISTIAN RELIEF & DEVELOPMENT ASSOCIATION
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TRAINING PROGRAMME ON HUMAN RIGHTS & DEVELOPMENT

From April 22 – 26, 2002
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Prepared & Conducted by
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THE COURSE CONTENT

The course on ***"Human Rights and Development"*** is divided into three inter-related Modules. The first module introduces what human development is. It briefly introduces dimensions of development and the relationship between Economic Growth and development. The second module focuses on Human Rights from its different aspects. The three different generations of Human rights are also discussed.

The third module is about the linkages of human rights and development. Development cooperations and promoting human rights through positive measures are also discussed in the module. The modular course content is the following:

Module 1 - Human Development

Module 2 - Human Rights

Module 3 - Human Rights And / For Human Development

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MODULE 1

HUMAN DEVELOPMENT

CONTENT

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MODULE 1

HUMAN DEVELOPMENT

1. INTRODUCTION

The paradigm of sustainable human development values human life for itself. It does not value life merely because people can produce material goods important though that might be. Nor does it value one person's life more than another's . No newborn child should be doomed to a short life or a miserable one merely because that child happens to be born in the ***"wrong class"*** or in the ***"wrong country"*** or to be of the ***"wrong sex".***

Development must enable all individuals to enlarge their human capabilities to the fullest and to put those capabilities to the best use in all fields - ***economic, social, cultural and political.***

The real foundation of human development is universalism of ***life claims.*** It is the common thread that binds the demands of human development today with the exigencies of development tomorrow, especially with the need for environmental preservation and regeneration for the future. The strongest argument for protecting the environment is the ethical need to guarantee to future generations opportunities similar to the ones previous generations have enjoyed. This guarantee is the foundation of "***sustainable development".***

But sustainability makes little sense if it means sustaining life opportunities that are miserable and indigent: the goal can not be to sustain human deprivation. Nor should we deny the less privileged today the attention that we are willing to bestow on future generations.

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2. HUMAN DEVELOPMENT

2.1 The concept

Human development is the process of enlarging people's choices, not just choice among different commodities that the market has to offer, but choices that are created by expanding ***human capabilities and functioning.*** Obtaining income is certainly one of the main means of expanding choices and well being. But too often the expansion of income is confused with the enhancement of human capabilities.

At all levels of development a few capabilities are essential for human development, without which many choices in life would not be available. These capabilities are to:

- ★ lead long and health lives
- ★ be knowledgeable and
- ★ have access to the resources needed for decent standard of living

Investigations of the priorities of poor people have often discovered that they put a high value on many things besides higher income - including:

- ★ adequate nutrition
- ★ accessible safe water
- ★ better medical services
- ★ more and better schooling for their children
- ★ affordable transport
- ★ adequate shelter
- ★ secure livelihoods and productive and satisfying jobs.

Generating private income help meet some of these needs but it certainly does not guarantee all of them.

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Beyond these needs people also value benefits that are less material. These include:

- ★ freedom of movement, speech and association
- ★ freedom from oppression, violence and exploitation,
- ★ a sense of purpose and empowerment in life
- ★ as members of families and communities, people value social cohesion and the right to assert their own tradition and culture.

Yet human development is more than just achieving these capabilities, needs and values; it is also the process of pursuing them in a way that is:

- ★ Equitable
- ★ Participatory
- ★ Productive and
- ★ Sustainable

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Therefore Human Development is not about getting good income only, though it is important. Human development includes the expansion of income and wealth, but it includes also may other valued and valuable things as well.

In short, Human development went far beyond income and growth to cover the full flourishing of all human capabilities. It emphasized the importance of putting people – their needs, their aspirations, their choices at the center of the development effort.

2.2 Dimensions of Human Development

Human development has been an evolving concept. The concept now includes the following dimensions

- ★ ***Empowerment*** – Basic empowerment depends on the expansion of people's capabilities – expansion that involves an enlargement of choices and thus an increase in freedom. But people can exercise few

choices without freedom from hunger, want and deprivation. In principle, everyone is free to buy food in the market, for example, but this freedom means little if people are too poor to afford it. Everyone may be free to read a newspaper, but exercising this freedom depends on literacy. And every one may be free to travel around the country, but not if bedridden with illness.

Empowerment caries an additional connotation – that in the course of their daily lives people are able to participate in, or endorse, the decision–making that affects their lives. People's capabilities could be expanded by for example, receiving primary health care, but they might have little say in how that expansion takes place. ***People should not be passive beneficiaries of a process engineered by others. They should be active agents in their own development.***

★ ***Cooperation*** – People live within a complex web of social structures–from the family to the state, from local self-help groups to multinational corporations. They are social beings who value participation in the life of their community. This sense of belonging is an important source of well-being. It gives enjoyment and direction, a sense of purpose and meaning.

Human development necessarily involves a concern with culture–the ways people choose to live together–for it is the sense of social cohesion based on culture and shared values and beliefs that shape individual human development. If people live together well, if they cooperate in a mutually enriching way, this enlarges their individual choices. So, human development is concerned not just with people as individuals but also with how they interact and cooperate in communities.

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★ ***Equity*** – Equity is usually thought of in terms of wealth or income. But human development takes a much broader view–seeking equity in basic capabilities and opportunities. In this view ***everyone should have the opportunity to be educated,*** for example, and to lead a long and healthy life. This applies in particular to women, who face substantial discrimination. They make a major contribution to society, in the household and in the community (as well as at the workplace). But since most of their work is not paid, it often goes unrecognized.

Promoting equity may in some cases call for an ***unequal sharing of resources.*** The poor, for example, may require more state help than the rich. Some people, such as the sick or the disabled, may require more resources than others to support the same level of capability.

★ ***Sustainability*** – Sustainable human development meets the needs of the present generation without compromising the ability of future generations to meet their needs. It thus involves considerations of intergenerational equity. But what needs to be passed on is not so much a specific stock of productive wealth as the potential for a particular level of human development. What should this level be? Basically, it must involve the absence of poverty and deprivation. ***What needs to be sustained are people's opportunities to freely exercise their basic capabilities.***

★ ***Security*** – Millions of people in developing countries live on the edge of disaster. And even in industrial countries people are constantly at risk from crime or violence or unemployment. Joblessness is a major source of insecurity, undercutting people's entitlement to income and other benefits.

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→ ***Growth of What and for whom?***

If growth takes people as its central focus and not profit for the few, it should bring about the following

- ★ Growth should be ***job-creating*** – not ***jobless growth***
- ★ Growth should be ***participatory*** – not ***voiceless growth***
- ★ Growth should be ***egalitarian*** – not ***ruthless growth***
- ★ Growth should be ***enriching culture*** – not ***Rootless growth***
- ★ Growth should lead to ***sustainable development*** – not ***futureless growth***

3. PARTICIPATION AS AN INSTRUMENT OF HUMAN DEVELOPMENT

Development as a process of increasing people's capacity to determine their future means that people need to be included in the process and definition of development.

Participation is also linked to poverty and social exclusion. This is because participation supports efforts at self-help, which are meant to eradicate poverty and encourages the growth of democratic institutions, which creates political space for disadvantaged groups.

Participation is regarded as a process of consciousness – raising, and that empowerment and change in the definition of project success but also a means of bridging social inequalities, promoting gender balance and racial and ethnic harmony as well as empowerment of the youth.

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3.1 Defining participation

Participation has been defined in ***narrow*** and ***broad*** terms. In its narrow connotations, participation is defined as the active engagement of citizens with public institutions, an activity which falls in to three well- defined modes: ***voting, election campaigning*** and ***contacting*** or ***pressuring*** either individually or through group activity, including non-violent protests. Excluded in this definition are ***attitudes towards participation*** and ***participation in rural development efforts***. In its broad terms, participation is a ***"collective sustained activity for the purpose of achieving some common objectives, especially a more equitable distribution of the benefits of development".***

Political participation has been an issue in development management since its inception, but its significance has increased principally because it has become part of official rhetoric. Individual full participation in making societal choices and decision is a natural outcome of the endowment of individual dignity because it contributes to individual self-development. Responsibility for one's own conduct develops one's dignity . In particular full individual participation within the local institutions contributes to the creation of community solidarity because every one feels involved in what is going on relative to their welfare.

Although there are ***different ways to define participation the dominant perspective is to treat it pragmatically and to view it as a strategy to improve the development process.***

3.2 Obstacles to participation

In most of sub- Saharan Africa, governments have extended their bureaucratic tentacles down to the village and district levels. It is the official agencies which still initiate and carry out most development on behalf of the

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people. The people themselves have become ***recipients of development as if development is something outside their realm of experience.*** Of course, there are rays of hope here and there with decentralization and rural development programs, but across the board the scene is one of despair and disappointment.

Often participatory schemes are launched without sufficient prior preparation. In a rush to produce quick results, the tasks of anticipating problems in the field and making provisions for dealing with unanticipated situations are simply sidetracked. Those concerned with the making of development plans and programs tend to forget that participation cannot be achieved by plans formulated in isolation in central government offices away from the people concerned . There are ***political, socio-cultural*** and ***bureaucratic*** constraints to participation.

★ *Political Constraints*

Political constraints are still the biggest obstacle to participation in sub- Saharan Africa . African leaders still have paternalistic and neo-patrimonial tendencies, which they use to consolidate their power and prestige. ***In spite of democratization and good governance, most African leaders today have not been able to relinquish their predecessors' obsession with power.*** Consequently, there have been overt and covert attempts to either enfeeble CSOs or co-opt them. The growth of autonomous institution has been stunted. This obsession with power has led to not only a concentration of power but also a centralization of decision-making, which also resulted in lack of participation of people rural areas. Moreover, political leaders have not still accepted participation in planning and management by organizations that are outside of the direct control of the central government.

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★ *Bureaucratic constraints*

A major constraint on participation is the bureaucracy. Constraints are inherent in the very body politic and routines of the bureaucratic machinery. Most government – administered development agencies came into existence long before participation become part of development philosophy. They were designed with a centralized, service-delivery approach in view where flexibility and responsiveness to needs in the field have no place. Therefore these agencies lack development orientation. Participation and such innovative ideas are, in fact, an anathema to it. A number of reasons explain why bureaucrats do not have faith in the values of participation.

→ ***First***, bureaucrats believe that they alone have answers to all problems faced by the poor and that they are the only ones who have a right to this knowledge. In their scheme of things, the only role people can and should play is to act as mere recipients of the delivery system.

→ ***Second***, bureaucrats feel uncomfortable with working methods that involve consultation.

→ ***Third***, one fear which commonly grips bureaucracies is that if lower level officials are delegated more functions and responsibility, things are bound to go wrong. Decision-making authorities at the higher level invariably view the officials lower down the hierarchy as lacking in competence, and hence untrustworthy. Decentralization is impossible to practice under such circumstances.

→ ***Fourth***, the highly centralized character of bureaucracies does not allow the field staff any discretion to act. Their inability to act when the local situation demands that certain things be done

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promptly discourages the people to come forth. Rather than act and as a result get into trouble, the field staff prefers to sit back, and await orders from above. Often it is safer not to act than to act.

★ ***Socio-cultural constraints***

The most significant factor that restricts participation by the poor is their low level of awareness. Governmental assistance seems irrelevant because many people are simply not aware of public services which exist for them right in their own village. The elite groups tend to monopolize all contacts with the outside agents. Often the poorer groups see no point in competing with the more affluent for services and benefits which the contacts bring. Explaining why the poor regard participation as of no particular concern to them, we have outlined three basic reasons for this situation:

→ The poor lack resources for effective participation- ***adequate information, appropriate contacts, money,*** and often ***time;***

→ In low-income strata, people are often divided by race, tribe, religion or language; even where cleavages are obvious, distinctions may be drawn on the basis of differences in sect, income, status, or place of origin that outsiders can barely perceive;

→ The poor tend to expect requests or pressures on their part, whether individual or collective, to be ignored or refused by the authorities and these expectations are often justified. Worse their attempts may provoke governmental repression or prompt reprisals from the private interests threatened by the self-assertion of the poor. Those on the margin of subsistence are particularly vulnerable to threats from employers or creditors.

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★ *Other constraints*

Five other constraints are also associated with participation.

→ **First,** participation has been approached from a ***gender imbalanced*** or ***insensitive*** manner.

→ **Second**, using existing patterns of local power and organization can reinforce existing inequities ratter than stimulate desired system change. Participation favors villages better able to produce plans, local elites and those already better off.

→ **Third,** Sometimes participation faces ***political opposition*** in countries where most beneficiaries have not been included in the political system. Such organizing can be seen as threatening to political leaders, or as otherwise upsetting the political balance and generating demands and pressures that governments cannot or do not want to respond to.

→ **Forth**, it is difficult to implement participation in practice. It takes additional time and resources to mobilize less developed communities.

→ **Fifth**, is the difficulty of finding effective channels of communication through which individuals or groups at the local level can participate and lack of homogeneity of interests within such groups, and the fundamental differences between local and national interests.

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3.3 Strategies to Mobilize Participation

A number of strategies to mobilize participation and increase its effectiveness has been advocated. They are:

- ***Empowering women and the youth;***
- ***Empowering the rural poor;***
- ***Adapting administration to participatory development;***
- ***Promoting "genuine" decentralization***

★ *Empowering of women and the youth*

Although there are constitutional provisions such as reserving certain positions for women and governments taking affirmative action in order to promote gender empowerment balance in the decision making process, the actions taken are not enough. The number of women holding positions in governments in Africa is still far less considering the fact that they are in the majority. Quite apart from this, the active participation of women in actual decision-making is still limited because of their low level of political consciousness as a result of social and cultural barriers. Governments must take steps to enforce affirmative action and remove the social and cultural barriers impeding women's empowerment and participation. In addition, they must adopt proactive youth policies and programs that will make the youth the centerpiece and the focus of attention.

★ *Empowering the rural poor*

The people must be helped to help themselves. At the present stage of their development they certainly need considerable support. Without help from outside, they would not be in a position to benefit from development assistance programs specially designed for them. If they are not assisted properly, new programs will lead to further

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dependency. The local capacity needs to be built up first. If people have to be active partners in designing projects and later have to work closely with government agencies in implementation, monitoring and evaluation, they must make a resource commitment, which could be in either cash or kind.

If participation is to be a self-sustained process, one that will not wither away once the development teams depart, the people have to be taught certain skills. Knowledge and information are crucial to make participation a continuing activity and to give the people an idea of their rights and responsibilities are therefore training can be extremely useful to the people in villages. The following have been identified as major skills that can help build up the local capacity for participation:

- ***Managerial skills;***
- ***Internal organizational management skills;***
- ***Economic resource management skills;***
- ***Technical skills;***
- ***Political skills;***

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★ ***Adapting administration to participatory development***

One of the challenges of participation is that both administrators and the people do not view participatory process alike. Difference in their perceptions are quite significant. One way to incorporate their divergent viewpoint is to view ***participation as a learning process***, as mutual interaction. In the development community there is a growing consensus that "creating effective participation is a gradual, evolutionary process in which both project staff and potential beneficiaries are willing to try various alternatives, discard them when they prove unworkable and try others".

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Adapting administration to make it more effective in coping with the complexities of participatory development is a task that must be tackled at all levels of the government. Improvements will not come about by concentrating efforts only at the top. Reorientation is most needed at grassroots level where officials come in direct, face-to-face contact with the people. One reason for the overall poor administrative performance is that administrative reform is seen more relevant to operations at higher levels alone and, therefore, improvement efforts are most concentrated at the center rather than at the periphery.

The direction in which administration must move includes the following:

→ Decision-making powers must move from the center to the periphery;

→ Beneficiary participation is unlikely to go far in situations where field level officials themselves have no say in any matter;

→ Coordination mechanisms must pursue the single aim of making public services easily accessible to the people;

→ More objective criteria to evaluate performance of development personnel must be devised, so that the staff concentrate on their actual task of serving the poor;

→ The field staff is accountability to the people as well whom alone it is supposed to serve;

→ Attitudes of the field staff should change. They must recognize that the new task cannot be handled with the old attitudes of the pre-development era. The workers must view their role as responding to needs of the people rather than simply expecting the people to respond in a sheep-like manner to governmental initiatives.

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★ ***Promoting "genuine" decentralization***

Participation is impossible without extensive decentralization of public organizations. While there are many reasons for decentralization, for the advocates the primary justification is that a decentralized environment is the optimal condition for citizen participation. From a planner's point of view, participation through decentralization may be considered desirable because it is seen as a means of making plans more closely reflective of local needs and it may be a means of mobilizing local support and resources for development projects.

4. ROLE OF GOOD GOVERNANCE FOR HUMAN DEVELOPMENT

Unlike quantitative economic growth actual human development can only take place in an environment of Good Governance . Good Governance is a fundamental condition for the creation of a climate conducive to development and economic growth, it ensures on the one hand, the social and economic priorities of a country are based on the needs and priorities of its society as a whole ,while on the other ,it facilitates the effective implementation of strategies and promotes better management or resources. As UNDP's Human Development Report of 1996 emphasized, sustainable development must ***place people*** at ***the center*** of ***development.*** The central purpose of development should be the creation of an enabling and empowering environment in which all individuals including the poor and the vulnerable, can enjoy long, healthy and creative lives. Realizing this objective requires ***participation*** by people as a whole in the developmental process. ***Good Governance*** is the surest means of fostering such ***inclusion*** and ***participation.***

The last fifty years of development experience has provided us with at least four critical and important lessons, and these are that ;

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- ★ ***Macro economic stability*** is an essential prerequisite for achieving the growth needed for development;

- ★ ***Growth does not trickle down***; development must address human needs directly;

- ★ ***No one single policy will triger development***; a comprehensive approach is needed ;

- ★ ***Institutions matter;*** sustained development should be rooted in processes that are socially inclusive and responsive to changing circumstances .

One could benefit from these pertinent lessons only in an environment of ***good governance***. Governance is the manner in which power is exercised in the management of a country's economic and social resources for development. Thus ***good governance*** is said to be ***synonymous*** with ***sound development management*** since it is central to creating and sustaining an environment which fosters strong and equitable development and it is an essential complement to sound economic policies.

This therefore tells us that Human development and good governance are very much linked . The relevance of good governance for ;

- ★ ***Overall development policies,***
- ★ ***Strategies to speed up development processes,***
- ★ ***Measures to change developmental institutions, and***
- ★ ***The quality enhancement of sectoral development interventions is very much on the increase.***

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5. NGOS, CSOS AND HUMAN DEVELOPMENT

Depending on their own organizational capacity, micro-governance system and friendliness of the external environment, CSOs and NGOs can in general play a vital role in bringing about sustainable development. In the Ethiopian context this vital role of the civil society in general and CSOs in particular has yet to be strengthened to the desired level. NGOs and CSOs are almost run by middle-class elites, who are very much concentrated in the urban areas of the country. As a result a fundamental transformation of the relationship between the state and CSOs and NGOs is required inorder to involve this organized bodies in the development process of the country. What CSOs and NGOs want is,

- ***Legitimisation***
- ***Recognition***
- ***Policy dialogues***
- ***Collaboration in implementing development in appropriate sectors***
- ***and political room in which to develop***

If we meet this challenge of strengthening the civil society (which happens to be the broadest ***institutional arena*** in a democratic society) it can serve as an instrument of meeting our other challenges, such as,

- ***peace building***
- ***nurturing democracy***
- ***mainstreaming women in politics and development***
- ***improve the capacity of institutions and people for better governance and participation***
- ***ownership of our governance reforms***

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NGOs and CSOs if strengthened, could directly contribute in,

- ★ ***Building democracy***
- ★ ***Promoting pluralism***
- ★ ***Improving the justice system***
- ★ ***Fighting poverty etc.***

In addition, NGOs have very crucial roles in such developmental areas like, for instance;

- ★ NGOs can play an important role in promoting participatory development and encouragement of initiatives at all levels, which is the strategy needed to deal with challenges of the time.

- ★ NGOs have an important role of conflict prevention, resolution and national reconciliation. NGOs also have the ability to mediate in crisis situation, promote research and training in democracy

- ★ NGOs have also play effective roles in promoting democracy and human rights

- ★ NGOs support vulnerable groups and provide social services

- ★ NGOs are involved in advocacy

- ★ NGOs are involved in building Institutions necessary for democratic governance. This is effected by working to strengthen the legislative, executive, Judicial system, etc. Activities here include Training, Research, awareness creation, documentation and capacity building

- ★ As state elsewhere NGOs also play an active role in ***'aggregating interests'*** and create a sense of communality which effectively promotes social cohesion. etc.

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All these roles positively contribute towards creating and strengthening ***Good Governance.***

NGOs, through the trust they have won from the society could generate an immense amount of ***social capital,*** a valuable asset to any kind of development and which no state can ignore.

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MODULE 2

HUMAN RIGHTS

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1. The Historical Development of Human Rights

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2.1 The conceptual Basis of Human Rights

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3. Human Rights and Obligations of the State

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MODULE 2

HUMAN RIGHTS

1. The Historical Development of Human Rights

The emergence of the basic tenets underlying the modern conception of human rights is closely associated with the development of human society. Yet, for the benefit of designing a comprehensible and realistic historical setup and in recognition of the decisive role of the ***Universal Declaration of Human Rights (UDHR)*** for the present day human rights system, a system based on the issuance of the UDHR is used in this memo.

1.1 The pre-UDHR period

the emergence of human rights is underpined by the development of the concept of natural law in Greek jurisprudence philosophy and law. This concept, of which Aristotle was a major proponent, calls for recourse to ***'universal law'*** where written law is perceived as unjust. After losing tempo through the subsequent periods and the 'dark age' of Europe, natural law reappeared in 'enlightened' Europe through the works of 17th and 18th century legal and philosophical thinkers like ***Hobbs, Locke, Montesque and Rousseau***. Resulting new conceptions of human nature, social structure and sovereignty paved the way for liberal political and legal thinking.

It was claimed that man possesses certain natural and inherent qualities and characteristics pre-existing any form of political organization and therefore sovereignty. These

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claims emphasized the individual nature of rights and the need for limiting the sovereign from abrogation of these rights. The individual was generally conceived as an independent unit rather than a member of the society. Hence, ***the theory of social contract*** was born to re-define the relationship of the individual with his fellow men. ***The basic element of this theory,*** prevalent at the time, was the ***conception of the individual, who possesses rights by nature, as an entity whose will makes or unmakes the legitimv e basis of the state.***

The concept of ***'natural law'*** expressed in the theory of social contract gradually led to radical socio-economic changes manifested in the fall of the feudal system of medieval Europe and the emergence of the Industrial Revolution. It was within this context that ***the English Bill of Rights*** (1776) and the ***French Declaration of the Rights of Man and the Citizen*** (1789) came into being. The emphasis of the period's conception of human sights was on civil, political and property rights as a consequence of a philosophical basis perceiving the individual in isolation.

The end of this period of the development of human rights is marked by challenges to the role of the individual as a self image of the rising middle class aimed at maintaining and promoting its interests. These challenges led to the emergence of socialist theories and resulting resort to positive law (written law issued by the dominant group through the state). The period was culminated with the rise of Nazism which completely removed the individual from the picture in favor of the all powerful conception of society.

1.2 The Universal Declaration of Human Rights (UDHR)

The UDHR is a direct result of the second world war initiated by the expansionist policies of Nazi Germany and resulted in unimaginable human, material and social losses. Shocked by the extent of atrocities committed in Europe

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and Asia by states considered to be civilized states called for the creation of an institutional and legal set up that could prevent such horrors in the future. Hence, the United Nations (UN) charter was signed in 1945. One of the commissions to be established under the UN within its first year of existence was the ***Commission on Human Rights.*** The UDHR was adopted by the General Assembly of the UN four years later on 10 December 1948.

The importance of the UDHR in the International Human Rights system could be seen from three perspectives.

★ ***First***, the UDHR was the ***first instrument to systematically define and comprehensively enumerate human rights.*** Although many similar documents were in existence at the time they were fragmented in content and national in application. This makes it the standard setting international human rights instrument laying the grounds for monitoring the level, protection and promotion of human rights by member states. In its early days, the declamatory nature of the document made it no more than an understanding of principles or statement of will, yet as it become accepted by the majority of states, it has evolved into a more binding past of international customary law.

★ ***Second***, the UDHR ***has de-westernized the concept of human rights*** through the acceptance of its principles by non-western states forming the majority in the General Assembly of the UN. This was achieved through extensive effort to incorporate common values inherent in the world's principal legal systems and philosophical and religious traditions. As a result, the world for the first time agreed on a common standard of achievement for all nations and peoples. the acceptance of the UDHR by the then 58 members of the General Assembly and its current

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virtually unanimous acceptance is proof to the internationalization of human rights.

★ ***Finally***, the ***UDHR now holds the prominent place in the international human rights system as its apex.*** The content of the document has been elaborated in the more than 60 international human rights instruments forming the international human right regime. It was also used as a basis for regional human rights instruments and served as a framework for most of the national constitutions in existence.

1.3 The Post UDHR Evolution of Human Rights

The years after the adoption of the UDHR saw the emergence of a series of international treaties translating its principles to the protection of specific rights. The major development in this respect is the pattern of ***generations of rights.***

The rights embodied in the International Covenant on Civil and Political Rights (ICCPR), adopted on 16 December 1966 came to be considered the ***'first generation' of rights while those embodied in the International Covenant on Economic, Social and Cultural Rights*** (ICESCR) became the ***'second generation'*** rights. Latter instruments like the convention on the elimination of All Forms of Discrimination Against Women (adopted 18 December 1979), and the convention on the Rights of the child (adopted 20 November 1989) formed the ***'third generation'*** of rights.

The classification of the rights set forth in the UDHR into 'generations' is not based on any chronological or logical basis. Although they were adopted (and come into force) at different dates, the instruments forming these three 'generations' incorporate mutually dependent and interrelated rights. This is particularly true of the ***ICCPR*** and ***ICESCR*** which ***form the International Bill of Rights.***

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The so called third generation rights merely elaborate and focus the International Bill of Rights to the profile of needy groups.

This mode of classification was a reflection of the ideological political balance prevalent at the time as perceived by the drafters of the international Bill of Rights. The subsequent politicization of the good intentioned aim of facilitating the adoption of the International Bill of Rights has led to the conception that the three categories are independent groups of rights that could be applied separately leading to the self-justified existence of ***'authoritarian democracies' and 'peoples' Republics'*** undermining the implementation of the UDHR. This period culminated with the collapse of these systems of government and the end of the cold-war.

1.4 Recent Developments

In the post-cold war period, two major developments in the international human rights set up have occurred. The first is the prominence of ***'collective rights'***. This categories of rights, unlike those enumerated under the International Bill of Rights, are exercised by groups rather than individuals. Groups enjoying rights under this category are peoples' which may be national or sub-national (as in the case of minorities). The first instrument to emphasize on collective rights was regional (the African charter on Human and Peoples' Rights adopted in 1979 by the General Assembly of the OAU). Although the opening articles of the ICCPR and ICESCR provided the framework for the concept of self-determination, the Declaration on the Right to Development (adopted 4 December 1986) was the first instrument addressing a collective right.

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The second recent development is the adoption of the statute of the international court on 17 July 1998. The need for a permanent international criminal court was felt since the end of the second world war, ad hoc tribunals

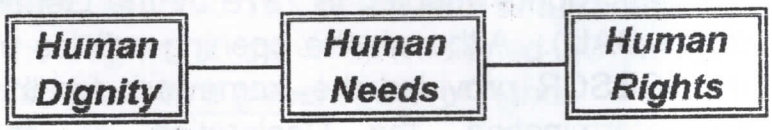
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were established as crimes of international concern materialized. These tribunals include the Tribunal of Nuremberg (1945), International Tribunal for the Former Yugoslavia (1993), and the International Tribunal for Rwanda (1994). Heightened concern over the occurrence of crimes of international concern and the extent of atrocities, a conference of various actors was conducted in Rome 15 – 17 July, 1998. The conference adopted statutes of the International criminal court with overwhelming majority. The treaty will come into force when ratified by 60 state parties.

2. THE CONCEPTUAL BASIS & CHARACTERISTICS OF HUMAN RIGHTS

2.1 The Conceptual Basis of Human Rights

The modern conception of human rights is derived from the idea of human dignity and worth of the human person are these moral principles underlying civilized society and are to define concisely. It is assumed that all difficult societies share respect for these values. Human rights work towards the realization of these fundamental values by ensuring freedom from fear and freedom from want. The evolution of this conception discussed in the previous sections show that human rights are aimed to create the context for human dignity.



In short, human rights work through addressing human needs towards the dignified existence of the human person.

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2.2 Characteristics of Human Rights

Most human rights scholars agree that the basic characteristics of human rights are ***inalineability universality, and indivisibility.***

★ ***Inalineability of human rights*** – this characteristic of human rights is based on the fundamental conception of human rights as inherent in the human person. This implies that human rights can not, by their very nature, be given or taken away. In the context of organized society, it is usually applied to counter the belief in the state as the giver of human rights. An apparent contradiction occurres when rights are denied by other people (as in murder) or by the state (as in extra-judicial executions). In such cases rights are merely violated. What a state or other persons can do is ***recognize or violate*** the right.

★ ***Universality of human rights*** – the concept of the essential sameness of all members of the human species is the basis of this characteristic of human rights. This conception logically directs to the enjoyment of all rights by all people. Even in the context where a set of 'specific' rights are recognized for some groups (like women, children and members of minorities) the general human rights are merely being elaborated in the context of such groups. Challenges to universality emanate from the claimed need to accommodate social, religious and other values of specific societies (the challenge of cultural relativism). Yet, these challenges have time and again been seen to be instruments of violation of rights of the individuals and groups whose values they allege to protect.

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★ ***Indivisibility of human rights*** – the basis for this characteristic of human rights is the wholeness and unity of the human person. This understanding of the human person demands that all needs be addressed through respect for all the rights of a person to ensure the dignified existence of the whole person. Violation of a single right among the totality of rights results in undignified existence. Another approach to address the issue of indivisibility is the inter–relationship and inter–dependence of rights challenges similar to those against universality are posed on indivisibility although international thought goes overwhelmingly in favor of indivisibility at present.

3. HUMAN RIGHTS AND OBLIGATIONS OF THE STATE

3.1 Sources of obligation

The obligations of the state in relation to human rights emanate from three major sources: ***international custom, treaties and covenants and national constitutions.*** International custom is used here as inclusive of principles of civilized life (as stated in declamatory instruments or accepted by practice as expectations, standards and norms)

Although the concept of international customary law is difficult to define conceptually, it could be taken for our purpose to include conduct dictated by the charter of the UN and principles of the UDHR. Treaties are binding instruments whereby states bind themselves through signature and ratification at the international, regional and multilateral and bilateral levels. The boundary between these two sources may be indistinct where an international instrument is signed and ratified by a large majority of states which may make it part of international custom.

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constitutions are legal-political instruments which operate at the national level. States commit themselves in national constitutions as expression of the will and sovereignty of the people. In terms of hierarchy, it is important to note that constitutional provisions can not international obligation.

3.2 Conceptualization of state obligation

The obligations of the state under international human rights instruments are provided for in each instrument usually in the opening articles. For the purpose of simplicity specific articles are not refereed to in this summary.

The obligations of the state in the implementation of human rights fall under three broad categories: to ***respect***, to ***protect*** and to ***fulfill***.

- ★ ***Obligation to respect*** - This obligation relates to the duty of the state to refrain from violating rights. This is for the most part a negative obligation demanding restriant and inaction. For instance obligation to respect the freedom of movement demands that the state does not detain persons arbitrarily.

- ★ ***Obligation to protect*** - This obligation basically involves preventing other actors from violating rights. This is more of a 'positive' obligations directing the state to take preventive or redressiv measures.

- ★ ***Obligation to fulfill*** - this is a fundamentally positive obligation involving state measures to ensure that human rights standards are fulfilled. This obligation is usually associated with economic and social rights like access to education.

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The above types of obligations, commonly called ***generic obligations***, are merely tools to be used in understanding the nature of state obligation and should not be understood as applicable to specific sets of rights. The very nature of human right (indivisibility) leads to multiple obligations to implement a specific right while a measure aimed at one right could affect rights. For instance the state, in implementing freedom of movement, needs to refrain from arbitrary detention ***(respect),*** provide for ***habeas corpus*** and civil and criminal redress ***(protect)*** and establish a judicial system to enforce the redress ***(fulfill).*** In the process the right to access to justice is also served.

A more appropriate way of defining state obligation could be: obligation to ***respect, protect and fulfill without discrimination.***

3.3 State Measures for the Implementation of Human Rights

State measures for the implementation of human rights generally fall under two categories which are inter-dependent: ***provision of laws and establishment of institutions.***

- ★ ***Provisions of laws*** - the rights enumerated in international human rights instruments are for the most part stated in general terms. This calls for the definition of the rights in more specific terms in the context of specific areas of human interaction and procedural setups to enjoy and enforce the rights. Moreover, in many cases, the already existing laws may not be up to the new standards of human rights. In this situation, states need to issue new laws to revise the existing legal framework.

- ★ ***Establishment of Institutions*** – under international human rights instruments, states undertake to establish institutions essential in realizing the rights.

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The most evident institution is the judiciary while institutions focusing on specific vulnerable groups (like women & children) or issues (the ombudsman and human rights commission) are also common.

4. JUSTIFIABLE LIMITS ON HUMAN RIGHTS

The international human rights system has set down a set of principles guiding the nature and manner of limiting human rights. These limitations have been set down in the last articles of the UDHR (articles 29 and 3`) and article 4 of the ICCPR. For the purpose of simplicity, such limitations are dealt with in two categories. ***Inherent limitations and special limitations. Both categories of justifiable limits arise from the need to balance the interests of the individual with the maintenance of a viable society.***

4.1 Inherent limitations on human rights

The very fact that man lives in an organized society entails the assumption of certain duties by the individual towards other members of the society and the collectively itself. These duties are basically aimed at creating the context wherein all members of the society can equitably exercise their rights.

In this context, the ***first logical limit on an individual (or group) in the exercise of rights is set by the rights of others.*** That is the first duty an individual or group owes fellow members of the society is respect for their rights. The right of individual A to exercise freedom of movement stops at his neighbor's fence. ***A second limit is set down by the survival and maintenance needs of the society as a*** collective. These limits, aimed at ***protecting public values, security and the maintenance of a democratic order.*** Such limits need to be provided for by law to constitute a justifiable limit.

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4.2 State of Emergency

State of emergency is a special circumstance recognized by the ICCPR as a situation relieving states from their obligations in relation to some of the rights enumerated therein. Unlike the inherent limitations, this limitation is more extensive and follows a separate set of procedures including notification of the UN.

The concept of a state of emergency has not been defined in the ICCPR. Yet, international human rights literature and state practice indicate that it constitutes a major threat to the very existence of a society (war, natural disasters and civil disturbances) which could not be dealt with within the normal framework of arrangements. In such cases, states may proclaim a state of emergency and suspend most civil and political rights.

The ICCPR sets down four basic standards for a justifiable state of emergency. These are:

- ★ The emergency situation should be imminent or realized;
- ★ The very existence of the society should be at stake;
- ★ The suspension of rights (proclamation of a state of emergency) should cover only areas affected by the threat; and
- ★ Normal institutions and procedures of dealing with the problem should be exhausted.

Moreover, the proclamation of a state of emergency should be provided for in the basic laws (constitution) of the country.

4.3 Absolute Rights

Absolute rights are those rights, which due to their nature and/or importance, can not be limited or suspended. Under the ICCPR, these include the right to life, freedom from , inhuman and degrading treatment, freedom from slavery,

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non-retroactively of criminal law, recognition as a person, and freedom of conscience. These rights could not be suspended even under a state of emergency situations.

5. CLASSIFICATION OF HUMAN RIGHTS

5.1 Basis for classification

The Universal Declaration of Human Rights (UDHR) merely enumerates rights without classifying them in any manner. Yet, due to subsequent historical factors, the International Bill of Rights was adopted in two separate documents. Other important international documents constituting the human rights legal regime also focus on specific categories of rights and subjects. This setup as well as the dictates of theoretical understanding and considerations of practical implementation have led to the creation of 'categories' of rights. Although multiple classification systems exist both at the international and national (constitutional) levels, the categorization of rights as 'generations' based mainly on chronology of adoption of instrument is most widely used. In this classification system, rights are categorized in to three (or four) generations.

5.2 Civil and Political Rights

The first generation of rights are civil and political rights which form the traditional understanding of human rights. Civil rights generally focus on the individual as an independent unit and aim at protecting individual life, liberty, bodily security and property while political rights focus on the political life of the individual. The right to life, freedom of movement, freedom of expression, conscience and religion are civil rights while freedom of assembly and association, right to vote and run for public office are political rights (the distinction between civil and political rights is merely a theoretical exercise and at best imprecise

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since the rights are closely interrelated and interdependent).

Distinguishing characteristics of civil and political rights mainly relate to issues of enforceability and the role of the government. This category of rights is generally understood to be immediate in the sense that the rights are automatically enforceable. Moreover, due to the generally 'negative' or passive duty of the state in the implementation of civil and political rights and the lower resource burden involved, states are expected to put this rights into effect immediately.

5.3 Economic, Social and Cultural Rights

Economic, social and cultural rights form the second generation of rights that focus on the individual as a member of the society. ***Economic rights*** focus on access to resources, participation in economic decision-making and the attainment of a dignified minimum standard of living. ***Social rights***, on the other hand relate to access to social services and participation in the social life of the society. ***Cultural rights*** are aimed at the meaningful participation of the individual in cultural-life. ***Cultural rights*** have some group aspect which properly belongs to the collective rights category. Rights under this category include

- ★ the right to work,
- ★ access to education,
- ★ access to medical services,
- ★ freedom to marry and establish a family, and protection,
- ★ freedom to maintain and develop cultural values.

Salient features of this category of rights are their progressive implementation and a more active role of the state. The ICESCR indicates that state parties should put

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these rights into effect in a progressive process depending on availability of resources. Some jurists (legal scholars) and political leaders argue that these rights are general policy principles guiding state action rather than rights. Yet, there have been instances where economic, social and cultural rights have been enforced by national judicial bodies.

5.4 Group Rights

Group rights are essentially individual rights directed at particularly vulnerable groups. These category of rights are based on the realizations that some groups of persons failed to benefit from the provisions of the UDHR and the International Bill of Rights due to their special circumstance. These groups suffer from limitations on the enjoyment of recognized rights due to factors such as age (children and the elderly), physical condition (the handicapped), sex (women), temporary conditions (refugees and displaced persons) and racial, religious or cultural identify (minorities).

The purpose and aim of recognizing and singling out the rights of members of special groups is three faceted. First, international human rights instruments /documents/ like the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Child Rights Convention (CRC) re-emphasize the rights recognized for all persons in the International Bill of Rights in relation to members of vulnerable groups. This is at the same time a reaffirmation of the principle of non-discrimination which is one of the major principles underlying the concept of human rights (Itself based on the universal character of human rights).

Secondly, group rights serve the purpose of meeting the special needs of members of special groups. For instance, the physiological make up and prevalent social role of women in terms of pregnancy, child birth and

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upbringing underlies the recognition of special rights like pre and post natal leave for women workers while physical and psychological level of development is the basis of recognition of special rights for children.

Finally, group rights create capacity and access to general rights for members of some special groups by temporary positive discrimination (affirmative action). Such measures are aimed at enabling individuals belonging to groups a better role in decision making processes affecting their lives through economic social and political empowerment.

Typical subjects of such rights include women and racial and minorities. Positive discrimination in favor of such groups is usually implemented through positively biased access to education and employment (et. mandatory minimum quotas), selective economic benefits (eg. public credit schemes for women or minorities), facilitating their involvement in government decision making (eg. representation in government bodies and consultation rights in the design of policies affecting them) and using their interest as a yardstick in the design, implementation and evaluation of policies (eg. the best interest of the child in family law and gender sensitivity as a policy guideline). Through these measures, group rights aim to ensure that members of special groups are represented in economic, social and political decision-making and have a better chance of speaking out for themselves.

5.5 Collective Rights

Collective rights are a more recent category of rights which have the collectivity of persons as their subjects (beneficiaries). Unlike the bulk of the rights falling under the other categories collective rights can not in essence exercised by individuals. The basis for the emergence of this category of rights is increased concern over issues affecting collective interests at the global level. Such concerns include poverty, war and conflict, over-population

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and environmental degradation. These concerns call for collective measures and addressing them effectively will benefit the present and future humanity collectively. Some collective rights also target national and sob-national units generally identified as peoples (understood to refer to ethnic and linguistic groups as well as nations).

The most important collective rights ***are the right to development,*** the right to live in a clean and safe environment, the right to peace and the right to self determination. Though in general terms these rights have been recognized in early international instruments like the UN charter, the UDHR and the International Bill of Rights. Yet, the relevant international regime is still in the early stages of development.

The current increasing interest in collective rights at the international, regional and national levels is relevant to the overall human rights environment for three general reasons. The first is the current economic, political and social trend towards regional and global integration. This trend has created and amplified issues of collective interest and concern like global peace, over population and environmental protection. The traditional human rights system focusing on the individual as the subject of rights was not fully equipped to deal with these problems. Similarly, the prevalent imbalance among nations in terms of factors like economic development and susceptibility to war and conflict have undermined the realization of the objectives of human rights. ***Recognition of collective rights like the right to development address this practical challenge. Finally, collective rights create the overall context for the realization of individual rights by addressing issues of collective interest working against the creation and maintenance of a rights friendly environment.***

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6. The Ethiopian Human Rights System: General Overview

The Ethiopian human rights system is yet at an early stage of development. For our purpose, we will briefly see three aspects of the system. Status of International Human Rights Instruments, Ratification of International Human Rights Instruments and Establishment of National Institutions for the Promotion of Human Rights.

6.1 Status of International Human Rights Instruments

Under the Constitution of the Federal Democratic Republic of Ethiopia, **all treaties ratified by Ethiopia are part of its laws (art 9/4)**. Moreover, International Human Rights Instruments, especially the UDHR, are accorded a special place as **standards for the interpretation of the human rights provisions of the constitution (art 13/2).**

6.2 Ratification of International Human Rights Instruments

The coming into force of International Human Rights Instruments in Ethiopia is a two stage process. First, the instruments are **signed by a representative of the government**. Once signed, it is submitted to the legislative (the parliament) which would **ratify the instrument and publish the fact of ratification** in the official gazette. (article 55/12 of the FDRE Constitution).

Ethiopia is a signatory to the UDHR (which doesn't require ratification) and has ratified all major international human rights instruments including the International Covenant on Economic, Social and Cultural Rights (1993), the International Covenant on Civil and Political Rights (1993), the Convention on the Elimination of

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All forms of Discrimination Against Women (1981), Child Rights Convention (1991) and the African Charter on Human and People's Rights (1998). These instruments have, upon ratification, been made part of Ethiopian law and serve as a standard for the interpretation of the relevant provisions of chapter 3 of the FDRE constitution.

6.3 National Institutions for the promotion of Human Rights

This section focuses upon two forms of national institutions for the promotion of human rights; **the Ombudsman and the Human Rights Commission**. These institutions have recently been established by law at the federal level. Both institutions are **independent organs established by and accountable to the legislative.**

a) **The Human Rights Commission** - The national human rights commission has been established by proclamation no 210/2000 (as per sub articles (1) and (14) of article 55 of the Constitution). The purpose of the commission is **to deal with incidents of human rights violation nation-wide and work towards increasing human rights awareness, protect human rights and take appropriate measures to stop or redress violations**. The organization of the commission gives special consideration for the rights of women and children.

b) **The Ombudsman** - The office of the ombudsman, established under proclamation no 211/2000 (as per sub articles (1) and (15) of article 55 of the Constitution) supplements the human rights commission by **ensuring respect for human rights by the executive organs of government.** To this end, its governing values are **quality, efficiency and transparency in administration and good governance**.

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MODULE 3

HUMAN RIGHTS AND/FOR DEVELOPMENT

CONTENT

1. Their Linkages and Functional Relationship
2. Human Rights and Development Co-operation
3. Promotion of Human Rights by Positive Measures
4. Areas of Promoting Human Rights and Democracy
5. Development Projects of NGOs Vs Human Rights

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MODULE 3

HUMAN RIGHTS AND / FOR DEVELOPMENT

1. THEIR LINKAGE & FUNCTIONAL RELATIONSHIP

The third ***"generation*** of Human Rights of the United Nations Declaration has made ***Development*** not only a right the state should realize, but also a responsibility of human beings by stating that "all human beings have a ***responsibility for development***, individually and collectively and they should therefore promote and protect an appropriate political, social and economic order for development - - -

States should undertake, at the ***national level, all necessary measures for the realization of the right to development*** and shall ensure equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices. All human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights. (Declaration on the Right to Development 1986).

This declaration has in all senses made development a universal and inalienable right.

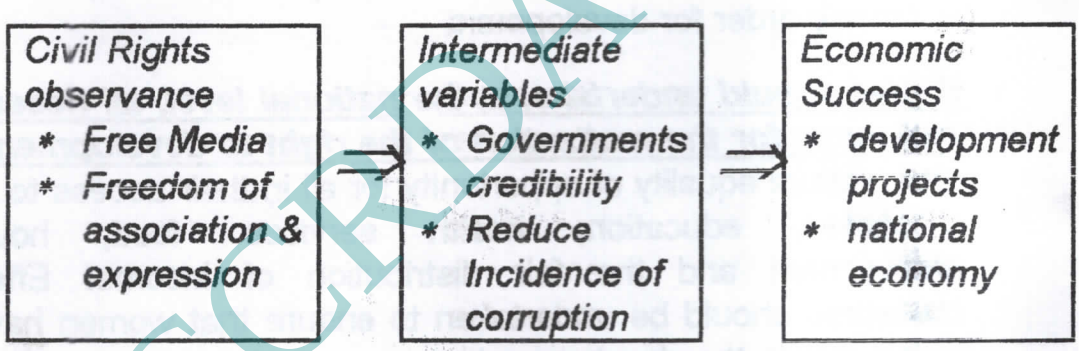
The observance of human rights is of intrinsic value and also a part of any meaningful definition of human development. On the other hand as the human person is the central subject of development, human development facilitates the enjoyment of all human rights.

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If for instance we consider the civic human rights as related to development, we shall observe the following effect.

Civil liberties (i.e. political rights) are likely to have an effect on economic performance by affecting government's behavior (both domestic and external).

Improved civil liberties in a country also reduce the incidence of corruption, which has a direct positive effect on investment projects. Furthermore, countries in which all modes of expressing discontent are repressed, experience worse performance than countries in which public expression of social teasions is tolerated. This may be explained by the fact that repression does not only have direct costs, but also indirect ones, as it implies heavy distortions between people's will and government's actions.



A similar result as for the observance of civil human rights was found for ***popular participation.***

2. HUMAN RIGHTS AND DEVELOPMENT COOPERATION

Allowing citizens to enjoy civil and political rights required no economic or financial effort on the part of the public authorities. Respect for these rights is fundamental and merely a question of political will of the respective state government.

However, a minimum level of economic and financial resources is needed in order to ensure respect for many of the basic socio-economic rights designed to guarantee access to education,

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health care, housing, fairly -paid employment etc. In regard to developing countries, it is not only important to firmly implement these rights within their respective legal frameworks, but realization and observance of these rights is also highly dependent on the cooperation of foreign private investors and the conditionalities of development cooperation provided by the international community.

At a time when African countries are suffering the adverse effects of structural adjustment, the burden of debt, global liberalization of the economy, the breakdown of state and social structures (Somalia . .), the observance of human rights and democratic principles especially social - economic and cultural rights - would need special support, in particular in the framework of development cooperation.

Economic policies imposed by donors do not necessarily favour the socio - economic development of these countries and are often not guided by observance of human rights whether fundamental freedom, civil and political rights or economic, social and cultural rights.

Thus, respect for all categories of human rights does not depend solely on domestic factors in each country but external factors also play an important role. Therefore, the international community must assume its responsibilities and promote respect for these rights by means of a policy designed to enable these countries to move towards socially and environmentally sustainable development or at least to remove obstacles which prevent them from doing so.

The International community should therefore include the following principles into their development cooperation.

- ★ respect for the universality and indivisibility of human rights;
- ★ no double standards in regard to the geographic application of these principles;

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- ★ support for a self - reliant and self - sustained development determined to implement civil, political, socio - economic and cultural rights;
- ★ respect for the right of developing countries to determine their own model of development, including their own political, social, cultural and economic policy options;
- ★ restriction of the principle of good governance to basic guidelines on good management of financial resources to be developed in close cosultation with African countries;
- ★ ensurance of the application of international human rights instruments as guidelines for the application of the principles of good governance;
- ★ establishment of basic criteria for suspension of development aid for the application of "good - governance" based on UDHRs, ICCPRs and ISCRs, which should be developed with African countries;
- ★ application of these principles in regard to co-operation with international donors such as the world Bank and IMF;
- ★ Creation of a dialogue on the inclusion of provisions on the application of international human rights instruments in the framework of the Multilateral Agreement on Investment (MAI) negotiation;

3. PROMOTION OF HUMAN RIGHTS BY POSITIVE MEASURES

Political developments after 1989 have made positive measures a special case. Various multilateral organizations and many donor governments have drawn up their own programs and ideas about how to promote human rights and democracy.

What is new, however, and controversial, is that positive measures came in the wake of the discussion on conditionality. In 1991 the EC and Germany proclaimed that in the future development cooperation would be conditioned on certain political criteria, such as respect ***for human rights and the rule of law.*** Until recently, this field was regarded as being politically too sensitive, especially for Official Development Assistance (ODA)

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given that until the end of the eighties ***the principle of national sovereignty and the right to self - determination*** ruled out any attempt to try to influence officially domestic politics of a country. At the beginning of the nineties, that changed and new sector and project areas are now being discussed, sometimes critically as ***"interventions" or "export of democracy"***

Various countries have voiced criticism and oppose any link between human rights performance and development cooperation and especially trade relations, which by any means, was an instrument used by few countries on rare occasions, i.e. discussion about the most - favored nation status for China in the USA. In Germany all governments have consistently opposed to link trade relations too human rights issues.

The World Bank has been cautious. Prohibited in its statute from getting involved in political issues, the bank introduced the term ***"governance" as "the manner in which power is exercised in the management of a country's economic and social resources for development."*** The World Bank identified three areas of governance,

- ★ the form of political regime
- ★ the process by which authority is exercised in the management of a country's economic and social resources for development; and
- ★ the capacity of governments to design, formulate, and implement policies and discharge function.

In other words, the Bank entered another time the political realm without calling it politics.

It should be clear by now that promotion of democracy and human rights is a wider concept than governance though there are overlapping areas, such as the important role of rule of law.

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4. AREAS OF PROMOTING HUMAN RIGHTS AND DEMOCRACY

An approach must be adopted to define minimum criteria and assess political development with regard to broadening and deepening of democracy. These are,

- ★ Regular, universal and secret elections
- ★ Freedom of Association and expression and the media
- ★ The commitment of political institutions to the rule of law
- ★ and protection of human rights

From these four minimum criteria for democracy the following areas are recommended for promotion and assistance Development cooperations that come through such positive promotions do contribute towards ***institution building*** required for ***democratic governance.***

The areas are;

- ★ Increasing and enhancing the capacity of the ***legislative***
- ★ Strengthening the ***executive***
- ★ Strengthening the ***justice system*** and creating ***legal awareness***
- ★ Strengthening the ***civil society*** in general ***CSOs and NGOs***
- ★ Strengthening the ***Media***
- ★ Supporting ***vulnerable group***
- ★ Build capacity of ***conflict mediation*** and early - warning systems

There are some limitations and problem areas to these positive promotions.

Limits: Donors need to lower expectations about what outsiders can achieve in this area. ***Democracy*** and ***human*** rights can best be protected by a vigilant and demanding local population.

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Reforms are unlikely to be effective if there is not a ***genuine public demand*** for them and ***a public awareness of the issue"***

Positive measures are determined in their areas of activity essentially by the ***political conditions*** prevailing in a country. It would seem that countries particularly well suited to such measures are ones

- ★ which are in ***transition*** to ***democracy,***
- ★ in which there is substantial potential for social conflict, which could be channeled and, in the long term, dispersed by a national dialogue,
- ★ in which a limited injection of funds can bring significant results in the short and medium term, and
- ★ which need experience in areas where development cooperation can offer a comparative advantage such as decentralization and building a social, constitutional state.

5. DEVELOPMENT PROJECTS OF NGOS Vs HUMAN RIGHTS

Basic concepts of Development and Human Rights along with their conceptual and functional relationships have now been discussed sufficiently. This is a section reserved for development projects of NGOs as related to human rights.

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Why is this necessary?

NGOs are involved in development activities and these activities are related to human rights. Therefore discussing about NGO activities in relation to human rights is very practical.

What are the problem areas?

- ★ Projects designed and implemented by NGOs have beneficiaries. These beneficiaries are also human beings who deserve to be treated humanly. Therefore NGO development projects need to be evaluated with respect to human rights of beneficiaries.

★ Development workers are also human beings, their duties and responsibilities needs to include respect for human rights. Their respective rights should also be respected and treated as such.

Based on our exposure during the training we need to discuses on these important aspects. We assume that NGOs know themselves very well. We also feel that participants shall discuses freely with no inhibition. We therefore suggest that this group discuses the issue of ***Development projects of NGOs Vs Human Rights*** using the following lead questions

Lead Questions

★ Is Human Right an issue in Development Projects of NGOs?
★ Are there actual problems related to Human rights?
★ Are development workers oriented on human Right issues? or do you think it is necessary?
★ It is said that "development to a high degree means ***greater dignity, security, justice and equity"***

→ Do you think this is true?
→ Do you think development projects you were involved in do take these into consideration?
→ If not why not?

★ Visualize your respective micro - governance systems - and try to evaluate it with respect to the following

→ ***Participation***
→ ***Equity***
→ ***Freedom*** of expression or the right to disagree
→ ***Transparency***
→ ***Equality of Opportunities***
→ etc.

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