

# Governance and Human Rights on the International Scene

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**Abstract:** The promotion, protection and violation of human rights constitute one of the most recurring arenas of debate in international politics. All states proclaim their commitment to human rights. This commitment was consolidated with the adoption of the United Nations (UN) Universal Declaration of Human Rights in 1948, and other related instruments. But the quest to match that ideal with reality by committed governments, international and regional organisations has not been easy because gross human rights violations still exist across the globe. These violations have shaken national and international legitimacy of some governments. The objective of this paper is to explore aspects of the problems which are vital to the study of human rights and governance.

## I. BACKGROUND

The issues and problems of human rights have often been seen and conceptualised in a variety of ways, particularly the questions of how much emphasis should be placed on each category of rights, that is, civil, political, economic, social and cultural rights. In the context of the Third World, there has been a debate of a trade-off between civil and political rights.

Human rights, however, is about human dignity, about protecting the individual against oppression and exploitation, poverty and injustice, marginalisation and degradation. These rights, because they rest on nothing more than being human, are universal, equal and inalienable.

Human rights are seen as concerned with allowing individuals to live to their full potential as human beings, free from fear of oppression and with a high degree of personal freedom to decide their destinies. According to Thomas Paine, all societies have notions of justice, dignity and the rights being held by every person against the state.

Government is legitimate to the extent that it systematically protects and furthers the enjoyment of the human rights of its citizens. The philosopher, John Locke holds that government is based on a social contract between governors and the governed. Citizens are obliged to obey only if the government protects their human rights which are morally above the claims and interests of government.

It should be stated here that human rights concerns are undergoing a transition in the Post-Cold War era. In the aftermath of the Second World War, human rights issues generally focused on strong centralised states in which communist, authoritarian or military regimes repressed dissent, and these situations persisted in countries such as Iraq, Iran, Burma and North Korea. During the past decade,

however, human rights abuses increasingly resulted from the collapse of regimes, like in the case of former Yugoslavia, Rwanda and Somalia, where massive human rights problems have emerged in the context of armed conflict and regime disintegration. The human rights abuses that result from war are likely to be compounded by refugee crises, disease, hunger, etc.

### *Some Human Rights Indicators on the International Scene*

1) **Governance:** Government is the focal point or centre of any political system and has the power of directing public affairs of a country. Government is the most inclusive institution compared to other organisations. Government is equally the institution that successfully upholds a claim to the exclusive regulation of the legal use of physical force in making and enforcing its rules within a given geopolitical area. A primordial duty of the state is to promote and practice good and just governance, and this could be realised by enacting policies and forming their governments so that human dignity and freedom are allowed to flourish. Good government cannot, however, be precisely defined, but according to Richard Falk, writing in the *Journal of International Affairs*, it is a set of ideas about the legitimacy, competence and accountability of government, about respect for human rights and the rule of law. Kofi Annan, the UN Secretary General made this statement about human rights and governance:

In our global community the issue of human rights in all its dimensions is the concern of all. The struggle for civil and political rights and for social, economic, and cultural rights must be one and the same struggle. Today, human rights are being given increased priority in the work of the UN. Therefore, all governments should implement and promote the respect for human rights in their societies. Governments that continue to disregard basic human rights norms deprive their populations not only of political freedom but also of improved economic conditions.

Duke Richards equally maintains that democracy, transparency and good governance are essential for the advancement of human rights, economic growth, sustainable human development and political stability. Governance, therefore, includes such issues as the key features of the development of democratic institutions, democratic society, civil society and citizenship participation. As such, individuals have the right to participate in government. A good example is

the Supreme Soviet, the assembly of the Soviet Union, where candidates were often presented to the electorate, and once elected, were expected to listen to, not to debate government policy presented to them.

However, in 1987, President Mikhail Gorbachev introduced a number of political reforms known as glasnost which increased individual participation in both government and the ruling communist party respectively. It must be emphasised that these parameters constitute the foundations of modern democracy that create the underpinning for a good political, economic, social and cultural set up.

Even though there is no single blue print for democracy, there are some universally accepted principles and norms that guarantee the advancement of good governance and the effective enjoyment of human rights. These include free and fair elections, press freedom and speech, independent judiciary and rule of law, fighting corruption, accountability and development.

Elections are the central institution of democratic representative governments, because in a democracy, the authority of the government derives solely from the consent of the governed. This point is further consolidated by Edwards when she holds that:

The legitimacy of government depends on whether it has the consent of those that it governs, and can be removed by peaceful political process. Good government encourages and facilitates the participation of all groups in society.

The principal mechanism for translating that consent into governmental authority is the holding of free and fair elections. This means that voters have a choice among candidates and that they have a right to information. Taking part in the conduct of public affairs is a basic human right increasingly prized by people throughout the world. Universally, the right to take part in government and also participate in elections is proclaimed and guaranteed by the Universal Declaration of Human Rights.

Free and fair elections are open and transparent to all people without discrimination on the basis of sex, race or ethnicity, and are unrestricted by government coercion and interference. Moreover, they create the underpinning for greater domestic investment and less capital flight. The right to free and fair elections is guaranteed by appropriate constitutional or legal safeguards. In this case, voters should be able to participate freely in the political process, either through political parties or civic organisations. It is important to state that all modern democracies hold elections, but unfortunately, not all elections are democratic.

According to Degan Matthews, right-wing dictatorships and single-party governments also stage elections to give legitimacy to their administration. But Harry Street however holds that, such elections may offer several candidates for each office, but ensure through intimidation or rigging that

only the government-approved candidate is chosen. Such elections cannot be considered to be democratic. Democratic elections are not merely symbolic, they should be periodic, competitive, inclusive, definitive, and lastly, they are not limited to selecting candidates. In such elections, the chief decision-makers in a government are selected by citizens who enjoy broad freedom to criticise government, to publish their criticisms and to present alternatives. In 1991, the General Assembly of the United Nations stressed that:

Periodic and genuine elections are a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that, as a matter of practical experience, the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment by all, of a wide range of other human rights, and fundamental freedoms, embracing, political, economic, social and cultural rights.

It is equally important to point out that democracy involves more than periodic elections. Elections in and of themselves do not constitute democracy. They are not an end but a step, albeit an important and often essential one, on the path towards the democratisation of societies and the realisation of the right to take part in the governance of one's country as enunciated in major human rights instruments. It would be unfortunate to confuse the end with the means and to forget that democracy implies far more than the mere act of periodically casting a vote, but covers the entire process of participation by citizens in the political life of their country. Democrats do not elect dictators or presidents-for-life.

Elected officials are accountable to the people, and they must return to the voters at prescribed intervals to seek their mandate to continue in office. This means that officials in a democracy must accept the risk of being voted out of office. The one exception is judges who, to insulate them against popular pressure and help ensure their impartiality, may be appointed for life and removed only for serious improprieties. In the same line, democratic elections are competitive if opposition candidates have the right to freedom of assembly and movement necessary to voice their criticisms of the government openly, and to bring alternatives to the electorate.

According to R. J. Vincent, elections in which the opposition is barred from the airwaves, has its supporters arrested, rallies not authorised or its militants disenfranchised are not democratic. The party in power may enjoy the advantages of incumbency, but the rules and conduct of the election contest must be fair. Democratic elections should be inclusive, because a government chosen by a small, exclusive group is not considered legitimate.

Freedom of Speech is a very vital indicator in the democratic process and the enjoyment of human rights. In his contribution to the whole idea of free press, Vogelgesang posits that a free press provides voters with the information they need to make informed decisions, and it facilitates the

exchange of political discourse, creating a market place of ideas where no view is stifled and the best are chosen. A free press can serve as a check on government power ensuring that public officials and institutions remain accountable to the voters. The media's ability to report on business and the economy is also important in the preservation of public trust in the markets and for attracting foreign and domestic investment.

Citizens of a democracy live with the conviction that through the open exchange of ideas and opinions, truth will eventually prevail over falsehood. The right of the press to freely publish, respects its editorial line, to criticise, and to inform is a fundamental principle of democracy. It is important to state that if the rights described above were fully respected, individuals would have a great deal of protection against the excesses of oppressive governments.

The rights of freedom of speech, of assembly and the right to follow one's own religious beliefs are essential if human beings are to cooperate and share in the growth of their own humanity and in the development of their community. Human beings need to be free to socialise with one another, whether in quest of political or economic gains. But these rights are denied if governments prohibit freedom of assembly. Freedom of speech is not just important at meetings, it is equally important for the newspapers and the media because of their large readership or audience. One of the most prevalent manifestations of dictatorship is state control of the press or radio. For example, Emergency Laws introduced in South Africa in 1986 placed particularly strict control on information and views that were in conflict with those of the government, and even the reporting of basic information of what was going on, was heavily censored.

*2) Independent Judiciary and the Rule of Law:* This is another very important principle of democratic governance that protects the rights of individuals. The judiciary is the principal national body charged with the protection and implementation of the rule of law. Judicial independence must be guaranteed in the constitution or other laws of the country. An independent judiciary is very crucial for preserving the rule of law. In the view of Sieghart, judicial impartiality should be guaranteed without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, and the judiciary must have exclusive authority to determine competence to adjudicate.

To ensure the existence of effective avenues through which people can express objections and complaints, it is necessary to guarantee a judiciary that is totally unconstrained by any partisan influence or control. Governments are expected to make available sufficient resources to enable the proper functioning of the judiciary. It takes more than strong courts to ensure that a nation's laws are enforced constantly and fairly. For example, no person shall be held under arrest without explicit, written charges that specify the alleged violation. Though every state must have the power to maintain order and punish criminal acts, the rules and procedures by

which the state enforces its laws should be public and explicit, not secret, arbitrary or subject to political manipulation by the state.

All the arms of government must be willingly bound by the law, and citizens should be involved in all levels of law-making. Participation in this process gives people a stake in the law and confidence that the law will protect their rights. A judiciary functioning under the rule of law protects the process from bias. It is important to highlight that judicial systems should be free from political control, provide an effective framework of remedies to redress injustices and human rights abuses.

*3) Accountability:* Accountability ensures that governments are answerable to their citizens in the manner in which the state is governed on a day to day basis. Very often, particularly in the past, African governments have responded not to the interests of all their people, but to those of elites, parties, tribes or other particular groups. It should even be mentioned here that, sometimes the African states have prioritised the demands of the international actors before those of their citizens. Effective, responsive and accountable institutions make a democracy work and ensure that those who are responsible for making decisions about public services can be held accountable for their actions.

There should be clearly defined standards of behaviour and performance. It is equally vital to note that for leaders to be held accountable, citizens must have the right information about government operations.

*4) Combating Corruption:* Corruption has grown widespread and sophisticated that it threatens to undermine the very fabric of society. In some states, almost nothing gets done unless a gift is exchanged for the service. A bribe to the right person will enable one to pass an exam, get an undeserved advantage, win a contract or win a lawsuit. Bribery runs especially rampant in the world of commerce. Some companies allocate a third of all their profits just to pay off corrupt government bureaucrats.

Corrupt business practices that favour the privileged few that have good connections is said to have ruined the economies of entire countries. The debate, therefore, arises as to why people choose to be corrupt rather than honest. For some, being corrupt may be the easiest way or the only way to get what they want, at times, a bribe may provide a convenient means of avoiding punishment. Many who observe that politicians, policemen and judges seem to ignore corruption or even practice it themselves merely follow their example.

As corruption snowballs, it becomes more acceptable until it is finally a way of life and people with pitifully low wages come to feel that they have no option. According to Barber, two powerful forces keep stoking the fires of corruption, that is, selfishness and greed, and due to this situation, corrupt people turn a blind eye to the suffering that their corruption inflicts on others, and they justify bribery simply because they

benefit from it. The more material benefits they amass, the greedier those perpetrators of corruption become.

As the scale of corruption has increased, the consequences have become catastrophic. Inevitably, those that suffer most from corruption and the economic devastation it spawns are the poor, for they are those who are rarely in a position to bribe anyone. Charles Humana, writing in *The Economist Magazine*, states that corruption is but one form of oppression and even questions whether this type of corruption can be overcome. In the same line, Brendalyn notes:

While accepting that corruption undermines economic development and poverty in numerous, diverse and often immeasurable ways, it is also vital to state that it hinders meritocracy. There is a global consensus that corruption hinders growth. Widespread corruption can endanger political stability deterring private foreign and local investments. Because financial resources are depletable and corruption drains them, economic assistance to countries that have not demonstrated a commitment to reducing corruption is unlikely to lead to sustainable development. Numerous independent estimates have been made in an effort to quantify the economic loss due to corruption.

It is clear that corruption drains a country's economy and disproportionately harms the masses. It is important, first of all, to realise that corruption is destructive and it benefits the unscrupulous to the detriment of others.

It is important to highlight the fact that the cost of bribery is unproductive for bribes undermine governance, harm economic efficiency and development, and also penalise citizens around the world. The fight against corruption is a moral fight that cannot be won by legislation alone or by legal sanctions. Transparency International Corruption Perception Index which ranks countries in terms of the degree to which corruption is perceived to exist among public officials and politicians, has illustrated that corruption can be tackled. In this case, an inclusive approach to tackle corruption is inevitable if governance has to be ensured across the globe. For such an approach to be sustainable, it demands the participation of the major stakeholders such as governments and civil society actors. It is important to mention that the most urgent reform starts with instituting preventive measures, for they are usually more cost effective and less divisive than focusing mainly on criminal laws, detection and prosecution.

Opportunities should be provided for public participation and transparency in the decision making process. Higher-ranking officials should publicly disclose their assets on a periodic basis so as to minimise opportunities for illicit enrichment. Beyond the preventive measures, competent and independent judiciaries should impose sanctions. It is this area that citizens find particularly problematic, given the prevalence of impunity, weak institutional oversight, and lack of respect for

the law leading to violations of human rights and bad governance.

5) *Development*: Governance requires that governments invest in their people and also work to preserve the welfare of their citizens without regards to affiliations. This means that resources have to be devoted by governments to health care, education and poverty alleviation. Extreme poverty is life threatening, for it means not having enough food, water and fuel as well as lacking adequate shelter, healthcare and education.

The respect for human rights is very indispensable in the attainment of social and economic development as well as the maintenance of international peace and security. Without development, sustainable human rights and democracy will be an illusion. It is understood that highlighting the right to development should contribute to equal value being attached to all categories of human rights.

## II. CONCLUSION

Generally speaking, human rights are subject to challenges or threats, and a determined state with modern instruments of repression in its control can very easily diminish or extinguish them. Thus, there are particular ideologies or systems of government which deny the central importance of the individual citizen in society, for example, personal dictatorships, the glorification of the nation or race, the communist ideal and the power of religion. This paper has attempted to handle the issues of governance such as accountability, combatting corruption, rule of law and development, as critically important in the promotion of universal human rights.

Development cannot flourish where people cannot make their voices heard, human rights are not respected, information does not flow, and civil society and the judiciary are weak. The UN and other actors of world politics have realised that development assistance must consider human rights observance as key indicator for human development.

Consequently, by promoting human rights as a governance indicator, the dignity of human beings across the world will be greatly improved upon.

## REFERENCES

- [1] Barber, Benjamin. *Strong Democracy: Participatory Politics for a New Age*. Berkeley: University of California Press, 1999.
- [2] *Basic Facts about the UNO*, New York: UN Department of Public Information, 1995.
- [3] Blaster, Anthony. *Democracy*, Minneapolis: University of Minneapolis Press, 2002.
- [4] Brendalyn Ambrose, *Democratisation and the Protection of Human Rights in Africa*, Westport, Connecticut, Praeger, 2001, P. 79.
- [5] Brownlie, Ian. *Basic Documents on Human Rights*, New York: Oxford University Press, 1993,
- [6] Buergenthal, *International Human Rights in a Nutshell*, P. 100.
- [7] Buergenthal, Thomas. *International Human Rights in a Nutshell*, Saint Paul, Minnesota: West Publishing, 1995.
- [8] Bull, H. "Human Rights and World Politics" in R. Pettman (ed.), *Moral Claims in World Affairs*, London: Croom Helm, 1999.



- [9] Claude, Richard. Human Rights in the World Community; Issues and Actions, Philadelphia, Pennsylvania: University of Pennsylvania Press, 2000.
- [10] Cranston, Maurice. What are Human Rights? London: London University Press, 2000.
- [11] Degan Matthews. Human Rights and World Politics, Los Angeles: Evena Press, 2003.
- [12] Department of Public Information, 1999, Pp. 14-24.
- [13] Donnelly Jack and Rhoda Howard, International Handbook of Human Rights, New York: Greenwood Press, 1997.
- [14] Edward Lawson. Encyclopaedia of Human Rights, New York: Taylor and Francis, 1998.
- [15] Edwards, Mary. Diplomacy in the 20th Century, California: Deby Press, 1999.
- [16] Falk, Richard. Global Governance in the 21st Century, International Affairs, Vol. 15, No. 2, 2001.
- [17] Freedom Harry Street. The Individual and the Law, London: Penguin, 2001.
- [18] Freeman, Charles. Human Rights, London: B.T. Batsford, 1988.
- [19] Henkin, Louis. The International Bill of Rights: The Covenant on Civil and Political Rights, New York: Columbia University Press, 1991.
- [20] Hitchener D. G. and W.H. Harbold, Modern Government, New York: Dodd and Mead, 1994.
- [21] Human Rights and Elections, A Handbook on the Legal, Technical and Human Rights Aspects of Elections, Published by the UN Centre for Human Rights in Geneva, 1994.
- [22] Humana, Charles. The Economist, 15 April 2005.
- [23] Kofi A. Annan. The Question of Intervention, New York: UN
- [24] Locke, John. The Second Treatise of Civil Government, Amherst, New York: Prometheus Books, 199.
- [25] Lowe, Norman. Mastering Modern World History, New York: Macmillan, 2005.