A human rights approach to democratic governance and development[1]

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I. Introduction

A human rights approach to development starts from the basic premise that the achievement of human rights is the objective of any process aimed at improving the human condition. It uses the various concepts associated with human rights, understood in their broadest sense as the scaffolding of development policy. It invokes the international apparatus of human rights in support of development action. This approach is concerned not just with civil and political rights (e.g., free speech, freedom of assembly, the right to a fair trial, the right not to be tortured), but also with economic, social and cultural rights (access to adequate food, health, education, housing, jobs). In addition to realizing specific human rights, a rights-based approach to development emphasizes accountability, empowerment, participation and non-discrimination.

The definition of the objectives of development in terms of particular rights—considered as legally enforceable entitlements—is an essential ingredi-

ent of human rights approaches, as is the creation of express normative links to international, regional and national human rights instruments. Rights-based approaches are comprehensive in their consideration of the full range of indivisible, interdependent and interrelated rights: civil, cultural, economic, political and social. Rights-based approaches also focus on the development of adequate laws, policies, institutions, administrative procedures and practices, as well as on the mechanisms of redress and accountability that can deliver on entitlements, respond to denial and violations, and ensure accountability. They call for the translation of universal standards into locally determined benchmarks for measuring progress and enhancing accountability.

The Declaration on the Right to Development, proclaimed in 1986 by the General Assembly (although not by consensus), specifies that the right to development is an "inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized" (art. 1 (1)). Adopting a broad human rights approach to development as its framework, which encompasses the right to development, this chapter explores the interactions between human rights and democratic governance.

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[1] This chapter is a shortened and updated version of a paper prepared by Francisco Sagasti, "Towards a human rights approach to development: concepts and implications", for FORO Nacional Internacional Agenda: PERÚ in April 2004, available at www.fni.pe. See also the study commissioned by the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/Sub.2/2004/19).

II. Human rights and democratic governance

Concerns about governance have not always been associated with respect for human rights and the reaffirmation of democratic practices. During the 1960s and 1970s, approaches to the subject of governance emphasized the possibility of, and capacity for, exercising power "efficiently", understood in terms of achieving the objectives of the rulers, rather than in terms of the rule of law, accountability, transparency and participation that are characteristics of democracy. In some cases, democracy and governance were treated as inconsistent, with the argument that major increases in social demands were overloading democracies. In other cases, it was argued that democratic practices make it more difficult to introduce economic, social and political reforms that would affect the interests of powerful groups. From this perspective, rights-based approaches to development had to take a backseat to the urgent task of promoting economic reforms and growth.[2]

Nevertheless, this apparent contradiction between democracy and the effective exercise of power is not real, especially when a long-term perspective informed by human rights and right to development approaches is adopted. On the contrary, we have become aware that participation, dialogue and consensus-building have become indispensable for exercising political power in an efficient and effective manner. Recent contributions on the subject of good governance underscore the importance of democratic institutions. Democracy is now conceived not only as an end in itself, but also as a means to achieve economic, political and social rights.

The adoption of a rights-based approach to development broadens the concept of governance and makes it necessary to add the qualifier "democratic" for it to make sense. As a consequence, the older and restricted conception of governance as efficiency in economic management has evolved into a broader understanding of the way in which leaders exercise power and authority in an effective and inclu-

sive manner to advance the cause of human rights. We have learned that participation, dialogue, consensus, transparency, accountability and the rule of law make the State more representative and capable of responding adequately to the concerns of its citizens.

Human rights are inextricably linked with democratic governance. They both require that people be aware of their rights and duties, that appropriate institutional arrangements facilitate their realization and that a democratic civic culture have a role in both issues of national importance and those of everyday life. The sense of belonging to a community is nurtured by individual responsibility and by a collective observance of democratic practices. From this perspective, the unrestricted respect and defence of human rights constitutes the foundation of an equitable and participatory society, in which everyone helps to achieve the common good and in which individualism and competition are balanced by social awareness and solidarity. This foundation implies rejecting violence and intimidation, which are associated with the authoritarian exercise of political power to achieve economic, political or social objectives.

At the international level, technological advances in telecommunications and information processing, together with the growing influence of mass media, have profoundly changed the way political power and authority are exercised. The Internet and electronic mail give citizens greater access to information that was once jealously guarded by the Government. Electronic networks have given political leaders and organized groups of citizens new ways to communicate. The spread of television and social media has changed how elections are carried out and how Governments and politicians manage their images and exercise power.[3] Such technological advances have changed the nature and workings of representative democracy and have brought human rights abuses to light. For example, they were a major contributing factor to the demise of totalitarian regimes in Eastern Europe, the former Soviet Union and in the Middle East, and are also creating a more open and transparent climate for political activity in most developing countries. In addition, modern telecommunications and mass media have allowed information about human rights violations, genocides, civil wars and atrocities inflicted by rulers on their people to reach a wide audience, create indignation and mobilize support for the victims.

[2] See, for example, Michel Crozier, Samuel Huntington and Joji Watanuki, *The Crisis of Democracy: Report of the Governability of Democracies to the Trilateral Commission* (New York, New York University Press, 1975) and also a review of that report 20 years later by Robert D. Putnam, Jean-Claude Casanova and Seizaburo Sato, *Revitalizing Trilateral Democracies: A Report to the Trilateral Commission* (New York, Trilateral Commission, 1995). For a different perspective on the interactions between identity, violence and democracy, see Amartya Sen, *Identity and Violence: The Illusion of Destiny* (New York, W.W. Norton, 2006), and for an account of how human rights are becoming part of a new "cosmopolitan" approach to ethics, see Kwame Anthony Appiah, *Cosmopolitanism: Ethics in a World of Strangers* (New York, W.W. Norton, 2006), pp. 162-166.

[3] The recent turmoil in the Arab world is testimony to the power of new forms of communication to influence political change, even in authoritarian regimes.

Developed countries, developing nations and international organizations are finding that their concerns about human rights and good governance converge. After the fall of the Berlin Wall and the end of the cold war, and after the Arab Spring, these issues are increasingly linked to the full exercise of political liberties, improvements in living standards, reducing poverty and the achievement of economic and social objectives. As a result, in many parts of the world societies are exploring different ways of promoting and consolidating democratic governance, often in the aftermath of violent conflicts, in the wake of the demise of authoritarian regimes and following political crises.

The accelerated and uneven processes of economic, financial, social, environmental, cultural and technological globalization are leading to a fractured global order at the beginning of the twenty-first century.[4] This is an order that encompasses the entire planet, yet divides rather than integrates people; an order that puts most of the world's inhabitants in contact with each other but at the same time creates and maintains deep fissures among them. In this fractured global order, human rights and governance problems that transcend national borders have begun to demand increasing attention from the world's political, business and civil society leaders. Issues like combating terrorism, reforming the international financial architecture, reducing pollution and mitigating global warming, and dealing with mass migration and increased numbers of political, environmental and economic refugees, among many others, pose governance problems and challenges that transcend the purview of States and demand international cooperation.

In this context, international public, private and civil society entities have grown increasingly important. Starting in the late 1980s, good governance became a major concern of international financial institutions, especially the World Bank and the Inter-American Development Bank; as well as of the United Nations and regional political organizations like the Organization of American States (OAS), the Council of Europe and the North Atlantic Treaty Organization, and for international non-governmen-

tal organizations such as Amnesty International and Human Rights Watch.[5]

International financial institutions have emphasized efficiency in economic management, arguing that openness and the responsible exercise of public functions are key to economic performance. International organizations, and in particular the United Nations, have highlighted respect for human rights, the importance of democratic institutions and the prevention of violent conflicts. In addition to those issues, non-governmental organizations have focused on environmental protection and the rights of minorities and indigenous peoples.

Yet the growing power of international organizations does not mean that—barring the extreme case of failed States—developing countries have no strategic or political options of their own in the management of their economic, political and social affairs.[6] The conditions established by the international financial institutions for obtaining access to their resources are key reference points for the design and implementation of economic policies, but they are not completely rigid, as is often imagined. Within limits, which may be more flexible than they may appear, Governments with technical capacity, a good negotiating strategy and broad political support have a certain degree of room for manoeuvre to modify the conditions set by the international organizations.[7]

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[4] See Francisco Sagasti, *Rethinking Technical Cooperation among Developing Countries (TCDC) and South-South Cooperation (SSC): An Issues Paper*, annex B – A fractured global order (Lima, FORO Nacional Internacional Agenda: PERÚ, 2006), available at www.fni.pe. See also Francisco Sagasti and Gonzalo Alcalde, *Development Cooperation in a Fractured Global Order: An Arduous Transition* (Ottawa, International Development Research Centre, 1999).

[5] For example, as Chief of the Strategic Planning Division at the World Bank in the late 1980s I witnessed how democratic governance concerns gradually found a place in the institution's agenda. See World Bank, *World Development Report 1991: The Challenge of Development* (New York, Oxford University Press, 1991), pp. 132-134; on OAS, see Heraldo Muñoz, "The OAS and democratic governance", *Journal of Democracy*, vol. 4, No. 3 (July 1993), pp. 29-38; and for an overview of Council of Europe and North Atlantic Treaty Organization initiatives, see Neil Winn, *Promoting Democracy, Human Rights and Good Governance in Europe's Four Seas Basins*, EU4seas papers, Politics and Security (October 2009), available at www.eu4seas.eu.

[6] A clear and forceful statement regarding the growing concern of international institutions to offer a more varied and pluralistic set of policy options for developing countries is found in a statement by Robert B. Zoellick, President of the World Bank, in 2010, entitled "Democratizing development economics", available at http://web.worldbank.org. For a perspective on the way international financial institutions and developing countries interact, see Francisco Sagasti, Keith Bezanson and Fernando Prada, *The Future of Development Financing: Challenges and Strategic Choices* (Basingstoke, United Kingdom, Palgrave Macmillan, 2005) and Francisco Sagasti and Fernando Prada, "The effectiveness of hemispheric cooperation", OAS-Inter-American Council for Integral Development (CIDI) document OEA/Ser.W/II.4-CIDI/RECOOP/INF.4/09 prepared for the Specialized CIDI Meeting of High-Level Cooperation Authorities, Bogotá (October 2009).

[7] At the same time, financial globalization—and the discipline imposed by international markets on macroeconomic policies—may prove more important for middle-income countries with access to global sources of private capital than the conditions set by the financial institutions. This suggests the need for some kind of mechanism to reduce the potentially destabilizing influence that volatile international capital markets can have on developing countries, which may affect negatively their efforts to embark on a rights-based approach to development. The 2008-2009 financial and economic crises made this abundantly clear.

Similarly, in parallel with the widespread international support regarding the promotion, protection and fulfilment of human rights, international governmental and non-governmental organizations and civil society are playing a larger role in fostering democratic governance (international supervision of elections, assistance with the design of electoral systems), protecting the environment (financing conservation efforts, alerting on potential environmental disasters) and in promoting social and cultural equity (gender awareness campaigns, protection of indigenous peoples).

Thus, over the last several decades, international pressures from public, private and civil society organizations are coming together to link human rights and democratic governance. In this sense, we can speak of a broad-based consensus on the mutually reinforcing character of rights-based approaches to development and the support and promotion of democratic governance.

III. Rights-based approaches to development, exclusion and poverty

It is useful to relate the identification of possible interventions to advance a human rights approach to development to the reduction of different types of poverty and the elimination of the various forms of exclusion associated with each of them. This perspective also helps to define the role of the international community in promoting economic, political and social rights.

It is possible to distinguish between three types of poverty in most developing countries. The first is endemic poverty, which affects people with extremely low standards of living, with a high proportion of unsatisfied basic needs, without access to labour markets and social services and without the possibility of having their voices heard. These are people for whom poverty has a historical and cultural dimension that goes back decades and even centuries, and who usually remain rather isolated from the modern segments of society. The second is chronic poverty, which affects those who generally live in the marginal urban areas and in some of the relatively more developed rural areas. They have greater access to social services, even if these are of rather low quality and do not adequately satisfy their needs. Most of them belong to the informal sector and have been forced to generate their own livelihoods, frequently in fam-

ily-centred activities and under conditions close to self-exploitation. The third is circumstantial poverty, which affects primarily those who, even though they have access to reasonable social services and can make their voices heard, have lost their jobs, find it difficult to participate in the formal economy, or do not receive adequate salaries, primarily because of recurrent economic crises or temporary shortfalls of income.[8]

Table 1 below summarizes the relationship between the types of poverty and the forms of exclusion—economic, social and political—that are peculiar to each. These forms of exclusion imply the negation of certain specific human rights (rights to work, education, food, non-discrimination and political participation, among others), and a rights-based approach to development would seek to reduce poverty through the elimination of these three types of exclusion.

Table 1: Relationship between types of poverty and exclusion

Type of poverty	Type of exclusion		
	Economic	Social	Political
Circumstantial	High	Low	Low
Chronic	High	Moderate	Low
Endemic	High	High	High

Endemic poverty involves these three dimensions of exclusion: the endemic poor are economically, socially and politically excluded. Productive employment opportunities are very limited, social services non-existent or of extremely low quality, their voices are not heard and they lack channels to participate effectively as citizens in the country's political life. In addition, they generally do not have fluid and continuous access to transport and other means of communication with the rest of the country and the outside world.

Chronic poverty is directly related to economic exclusion due to the obstacles faced by this type of poor to access the formal labour markets and to social exclusion because of the low quality of the social services they receive and the multiple forms of discrimination they are subjected to. They are usually not affected by political exclusion; indeed, they participate actively in electoral processes, have access to mass media, and there are channels—neighbour-

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[8] For a more elaborate description of the interactions between poverty and exclusion, see Francisco Sagasti, "Tipología de la pobreza y dimensiones de la exclusión en el Perú", FORO Nacional Internacional, 2008, available at www.foro-nacional-internacional.pe, where other dimensions of exclusion—cognitive-cultural, environmental-resource, knowledge and the exclusion of future generations—are also considered.

hood organizations, trade unions, religious groups, non-governmental organizations, and even street protests—through which they can air their views. As a result, politicians assiduously court the chronic poor, especially at election times.

Circumstantial poverty is characterized mainly by economic exclusion, and affects those who have had access to education and other social services and whose poverty is the result of economic crises that reduce income levels significantly and diminish purchasing power. They do not feel the impact of social and economic exclusion to the same degree as the endemic and the chronic poor. For this reason, they are the first to benefit from economic growth and stability, and from the expansion of productive and service capacities that create employment.

A reduction, and the eventual elimination, of economic exclusion may be achieved through productive transformation, which should lead to an efficient, productive and competitive economic system, to the effective use of market mechanisms and Government regulation for equitable and fair resource allocation and to a viable and sustainable process of accumulation. In addition to sensible macroeconomic policies to maintain stability, productive transformation requires a series of active market-friendly sector polices aimed at increasing productivity, improving competitiveness and seeking a more favourable insertion into the international division of labour. Such productive transformation would allow the country to generate a level of economic activity and redistribution policies consistent with the right to development for all.

A reduction and the elimination of social exclusion is the result of the process of social democratization, which should lead to the elimination of extreme inequalities and all forms of discrimination, to equal opportunities for all, to the provision of good quality basic social services for everyone, particularly health and education, and to an untrammelled respect for individual human rights. Social democratization would lead to a more vigorous and active civil society and to a more socially and culturally integrated and peaceful country. In addition to the provision of social services, policies to generate employment, measures to achieve a more equitable distribution of income and programmes to assist the poorest of the poor are also required to pave the way for the realization of the right to development for all.

A significant reduction and the elimination of political exclusion is achieved through the process of legitimization of State institutions and citizen participation, which should aim at articulating a viable political community with a shared sense of the common good, of history and of the future, and which should lead to representative and efficient State institutions that citizens could identify as their own. This requires political and administrative reforms to bring State institutions at all levels, from central to local governments, closer to the people and promote participation; measures to ensure public accountability; and initiatives to make the exercise of power and authority more open, transparent and participatory. Such initiatives would go a long way towards ensuring the realization of the right to development, including civil and political rights.

The three processes aimed at reducing exclusion and poverty and at advancing a rights-based approach to development interact closely with each other, although each one proceeds at its own pace, at times reinforcing or blocking the other two. Sometimes democratization moves faster than productive transformation and legitimization experiences major setbacks; at other times productive transformation advances significantly without commensurate progress in democratization or legitimization; and there are situations when productive transformation is halted and democratization obstructed, but legitimization does not suffer as much as the other two processes.

Reducing social exclusion through democratization requires a vigorous and efficient economy that is able to grow and to generate wealth, and also a legitimate State capable of creating an environment favourable to economic progress and of redistributing the benefits of growth in an equitable manner, consistent with the right to development. Reducing economic exclusion through productive transformation requires a legitimate State with the capacity to provide public services, implement adequate policies and regulate markets, and also the support of a democratized society that appreciates the benefits of growth. Reducing political exclusion through legitimization requires a modern economy capable of growing in a sustained manner and of providing tax revenues to the State, as well as a more integrated society in which all citizens participate actively in public life.

The interactions between these three processes find concrete expression in a social compact, which, in turn, should underpin a fiscal compact between all segments of society—political leaders, civil servants, members of civil society organizations and the business community, among others. The fiscal compact would aim at providing the State with a tax base that

allows Government institutions to function effectively, maintain economic and social stability and provide security and other public services, particularly those associated with poverty reduction and achieving human rights. These agreements should rest on a broad consensus on the role of the State, on the need to gradually integrate the informal sector into the formal economy so that it receives public services, social security and increased job security in exchange for paying taxes, and on the recognition that, while the poor may not pay taxes, they contribute—through voluntary work, collective undertakings and social mobilization—to the provision of some public goods and social services and to the creation of human social capital. The social and fiscal compacts should ensure that State expenditures reach a level commensurate with the provision of a reasonably adequate level of basic social services to all.[9]

What have been called "national dialogues" could play a significant role in forging the social consensus necessary to underpin the initiatives associated with a rights-based approach to development, poverty reduction and the elimination of exclusion. These processes aim at generating consensus on the main strategic directions for development with a long-term horizon, which would find expression in a set of "State policies" rather than "Government policies", i.e., the policies of the party in power, which all political forces and parties, the private sector and civil society commit to uphold in successive Governments.[10]

While past habits and practices could make the consensus-building exercise of a national dialogue a difficult proposition in many developing countries, should Governments be willing to launch such a process, and political and civil society leaders be willing to participate, it may be possible to overcome some of the severe limitations that usually prevent the articulation of a shared vision of the future and make it difficult to approach it. This may open opportunities for strategic and sustained interventions to advance human rights, reduce poverty and eliminate the various forms of exclusion by combining initiatives from Government, civil society and the private sector at all levels.

IV. Role of the international community in rights-based approaches to development

The international community has an important but complementary role to play in the complex processes of putting in practice rights-based approaches to development. Human rights considerations can be introduced into development assistance interventions in two ways, first by ensuring that these interventions take explicitly into account the various facets involved in a rights-based approach to development. The idea is to mainstream human rights concerns, incorporating these factors into the design and execution of financial and technical assistance programmes in a variety of fields such as education, health, nutrition, population, agriculture, industry, trade, infrastructure, macroeconomic policy reform, participation, governance and so on.

In addition, it is necessary to take into account the impact of development assistance interventions on the cultural and biophysical contexts, so as to avoid disruptions and unintended negative consequences. This has been the experience in conflict-prone settings where development assistance programmes, designed without an awareness of deep-rooted cultural factors, have sometimes exacerbated ethnic, social or political tensions, ignited violence and led to the violation of human rights. In general, some variation of the "do no harm" or "when in doubt, abstain" precautionary principle appears to be in order when taking into account such contextual factors. However, this should not lead to paralysis or inaction, but rather to more informed and explicit judgements regarding the impact of development interventions to promote human rights.

The second way in which human rights considerations are incorporated into development assistance programmes is by designing and implementing interventions specifically aimed at eliminating exclusion, reducing poverty and promoting empowerment and participation. These interventions can be related to the processes of productive transformation, social democratization and State legitimization, and are informed and influenced by human rights-based approaches to development. They aim at reducing economic, social and political exclusion, primarily by building the capacities in the private, civil society and public sectors and by putting into practice interventions that steer institutional change in the medium term. Each of these three processes will be briefly examined in turn.

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[9] For a review of the experience with public dialogues in Peru and Latin America, see Ada Piazze and Nicolás Flaño, eds., *Diálogo Social en América Latina: Un Camino Hacia la Democracia Ciudadana* (Washington, D.C., Inter-American Development Bank, 2005).

[10] For an analysis of the Peruvian experience with the "*Acuerdo Nacional*" as a forum for dialogue, see Max Hernández, *Acuerdo Nacional, Pasado, Presente y Futuro* (Lima, International Institute for Democracy and Electoral Assistance, 2004), available from www.idea.int.

Productive transformation. Initiatives in this category refer to the changes in the productive system to make it capable of sustained growth and of creating wealth. Three such initiatives are highlighted below:

(a) Programmes to create new business opportunities and improve the productivity of local firms, and especially small and medium enterprises, so as to generate surpluses for domestic investment and to improve competitiveness in foreign and local markets. These include management and technical assistance programmes (quality control, marketing, waste reduction, process streamlining, technology management, extension services), initiatives to improve the policy environment for the private sector (investment promotion, competition policies, industrial and trade policies, financial policies) and measures to facilitate the operation of productive enterprises (administrative simplification, reduction of bureaucratic requirements). Programmes of this type have been quite common for bilateral agencies and, to a lesser extent, for international financial institutions and private foundations. This category also includes initiatives to help achieve a sustainable use of natural resources, in particular renewable resources (biodiversity, forests, soil, fisheries, aquaculture), and coping with the effects of climate change. This is an important area that has not received sufficient attention and which requires research, studies and pilot programmes to learn more about these resources, as well as to learn how to conserve and use them in a sustainable manner;

(b) Programmes to improve the performance of the informal sector, which should be particularly targeted to the small and microenterprises that generate most of the jobs in poor countries. This includes training activities, the provision of appropriate technology packages, the supply of technical information, the simplification of tax collection mechanisms and measures to improve access to credit. There is a need for experimentation with potentially replicable programmes to improve the quality of self-generated jobs, for these jobs will dominate the employment scene in many developing countries for at least for a generation;

(c) Programmes to evaluate and learn from the experience of past public policies and those of countries in a similar situation. In particular, there is the need to take stock of economic policy reforms such as privatization of public services (energy, water, telecommunications, transport), financial liberalization and changes in the tax and fiscal systems. As the debate on such policies has become highly charged and tinted with ideological considerations, there is an urgent need for a sober and dispassionate assessment of how these reforms are actually carried out and of their impact, with the aim of learning from experience and improving public policies to foster modernization.

Social democratization. Initiatives in this category refer to the reduction of inequalities, the promotion of dignified living, the creation of opportunities for the poor and the provision of basic social services. The international community has played an important role in four types of initiatives, especially during the last decade and a half:

(a) Initiatives to design, organize, launch and coordinate special poverty reduction and social emergency programmes, in particular those aimed at reducing endemic poverty. As public sector resources are clearly insufficient to reduce poverty, there have emerged a number of public-private-civil society partnerships (preventive health services, nutrition programmes for children, employment programmes for women) in which public funding, mobilization and volunteer work by beneficiaries, private sector provision of some goods and services, and development assistance have all converged. The international community can help to evaluate the results of these partnerships, to assess their impact and possible replication, and also assist in the design of more appropriate poverty reduction interventions that are consistent both with human rights and right to development approaches;

(b) Initiatives to help improve the provision of basic social services provided by the public sector. Only a very small minority has access to private education and health services and, in general, the quality of public

services in developing countries is rather low. The administrative, financial and technical challenges involved in reforming public-health, education, water supply, sanitation, transport, telecommunications, energy and housing are daunting, and joint efforts between public, private and civil society entities are essential to achieve lasting improvements. These initiatives need to be sustained for several decades to bear fruit, and improvements will be slow at the beginning. However, after overcoming bureaucratic inertia and the opposition of special interest groups, progress is likely to proceed at a faster pace. For this reason it is necessary to have a clear vision of what should be achieved in the medium and long run, while at the same time taking small but firm steps to approach the vision;

(c) Initiatives targeted at reducing the social exclusion of particularly vulnerable groups, such as children with disabilities, old and destitute people, indigenous communities, children orphaned as a result of terrorism and civil wars, and victims of domestic violence. These initiatives should be highly focused and complement public services and poverty reduction programmes, and have often been sponsored by international and national non-governmental organizations;

(d) Initiatives aimed at strengthening civil society organizations, many of which play a leading role in a variety of fields related to social democratization. This involves support for human rights organizations, grassroots groups and local associations active in poverty reduction, and organizations that promote transparency, fairness and accountability in public sector activities.

State legitimization. Initiatives in this category refer to changes in the way the State and Government organizations work and respond to citizen demands. They aim at making State institutions more efficient and representative and to promote citizen participation in public affairs. The international community has played a role in five types of initiatives falling into this category through public sector reform programmes, most of which have focused on improving the capacity of the central Government and of local governments:

(a) Initiatives to help clarify and consolidate the role that the State should play in the economic and social life of the country. In most developing countries, the inconsistencies and contradictions of arguments regarding the role of the State during the last 30 years have left a legacy of confusion that must be overcome. Debates on this issue are clouded by ideological positions, vested interests and unrealistic expectations which underscore the need for clear thinking on what the State could and should do in developing countries during the coming decades. The international community can help in raising the level of debate by providing information on the situation of other countries, promoting the exchange of experiences, supporting research and studies, providing fellowships for young professionals interested in public sector issues and making available the expertise of senior policymakers on the role of the State in economic and social development;

(b) Initiatives to strengthen the role of political parties and their political intermediation role. This is a rather difficult area of intervention for the international community, primarily because of the risk of undue interference in domestic political affairs and the risk of favouring one or other political group (although some foundations with political party ties do precisely this). However, it is possible to identify programmes that could strengthen the political system as a whole and could help to consolidate democratic governance. These include training programmes for political leaders, assistance in the design of electoral systems that could lead to greater political stability and the provision of information on the experience of other countries facing similar processes of political disintermediation;

(c) Initiatives to modify the incentives that condition the behaviour of political leaders, aligning them so as to promote public sector reforms. This is also a difficult area for the international community in which to intervene, primarily because of the short-term gains and losses for one or another political group that are involved.

Yet, considering the political system and the State apparatus as a whole, it is possible to identify specific initiatives—which should be conceived and placed within a broader framework of substantive institutional reforms—that would lead to a more efficient and representative State. In addition to greater transparency, accountability, openness and participation, these would include changing the rules of the electoral process (for example, to balance territorial with functional representation), changes in the way candidates for political office are designated (for example, substituting or complementing decisions by party leaders for internal primary elections) and modifications in the terms of office (to disengage presidential and congressional elections). The idea is to create an incentive system for political actors that would induce behaviour congruent with institutional reforms and also be compatible with the objective of reducing poverty. Learning about the experience of other countries would be most valuable in this regard;

(d)   Initiatives to strengthen and improve the functioning and guarantee the independence of the judiciary so as to ensure the protection of human rights and the punishment of those who violate human rights. An independent and well-functioning judicial branch is essential in preventing and combating corruption and to make sure that all citizens have equal access to legal recourse to resolve their conflicts and to obtain redress;

(e)   Initiatives to promote decentralization and the devolution of decision-making powers to lower government instances. This has been a long-standing demand of peoples outside metropolitan areas in developing countries which has usually been ignored by political leaders in the central Government. However, the way in which decentralization and the closely related concepts of "de-concentration" and "regionalization" are understood will condition the nature and impact of such initiatives. The international community should support decentralization while pointing out its risks.

V.   Actors in the international development assistance community and their roles

Many actors take part in the design and implementation of development interventions within the framework of rights-based approaches. At the national level there are public, private and civil society organizations, and there are also political actors that link all of these with the State apparatus. At the international level, public institutions can be divided into multilateral and bilateral agencies and the first of these comprise international financial institutions (multilateral development banks, the International Monetary Fund (IMF), special funds), as well as international institutions of a political and normative nature (the United Nations system, regional bodies).[11]

Yet, the main actors in rights-based approaches are national organizations. Eliminating endemic poverty is primarily a responsibility of public sector institutions under the strong leadership of political actors. Civil society organizations play a complementary role and the private sector a minor one. The reduction of chronic poverty requires joint interventions by the State and civil society, which in turn should have the support of political actors; private sector entities, and small enterprises in particular, play an important but complementary role. Reducing circumstantial poverty is primarily a task for the private sector with the support of public policies and institutions, with civil society playing a limited role.

International public, civil society and private actors play roles similar to those of their national counterparts in the reduction of the three types of poverty, but with some important variations. In contrast to the domestic private sector, foreign firms play only a limited role in the reduction of circumstantial poverty, while international financial institutions influence significantly the modernization policies aimed at reducing this type of poverty. Bilateral agencies, multilateral institutions and international civil society organizations are increasingly involved in the design, implementation and financing of projects to reduce chronic poverty. On the other hand, international financial institutions, and the international community in general, have a very limited role in addressing endemic poverty.

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[11] International assistance is paying greater attention to human rights issues. As Roger Riddell has pointed out, "some donors have started more explicitly to base aid-giving decisions on the human rights records of recipient Governments, in particular by reducing or halting completely the flow of aid to countries whose record on basic human rights they assess as seriously deficient" (Roger C. Riddell, *Does Foreign Aid Really Work?* (New York, Oxford University Press, 2007), p. 92).

It is difficult to venture suggestions on the specific roles that the various international institutions should play in a rights-based approach. They operate through many different financial, technical assistance and information-exchange instruments, and by utilizing their convening power to forge consensus at the country level. The potential for cross-sector synergies is enhanced through policy harmonization and the coordination of the activities and interventions of the different international institutions, as well as through more effective coordination with their national counterparts to advance human rights.

Intergovernmental organizations such as the United Nations and regional organizations have primarily a normative and technical assistance function, but have limited resources to initiate rights-based-approach interventions. These institutions are perceived as more neutral than international financial institutions, and frequently are a source of alternative policy advice to developing countries. They can disseminate information, foster the exchange of experiences, organize and launch demonstration projects, provide technical assistance to policymakers, arrange the provision of public goods and use their convening power to organize dialogues and promote consensus on rights-based interventions at the national and local levels.[12] In many developing countries they have played all of these roles at different times during the last three decades. There is a need for evaluating their experiences and assessing their future roles in the light of the large number of poverty reduction strategy papers and other strategy documents promoted by international organizations in low-income countries The United Nations Development Assistance Framework, which should be prepared by all United Nations agencies under the coordination of the United Nations Development Programme, should specify the activities and programmes each agency should focus on.

International financial institutions, and the multilateral development banks in particular, play three roles: a financing role at the country level; a development role that focuses on building capacities; and a role in helping to finance the provision of global and regional public goods. They can back their advice and policy recommendations with substantial financing, and their involvement in rights-based approaches focuses primarily on the fulfilment of economic, and to a lesser extent social rights, through the provision of large-scale financing for social, productive and infra-

structure projects and by supporting administrative and policy reforms to improve the provision of basic social services, to ensure economic stability and to promote growth. However, this does not necessarily mean that in practice their interventions comply with rights-based approaches, nor that they are governed in accordance with democratic practices. For example, IMF deals primarily with short-term financing, although its conditions for access to resources under its control are primarily related to the maintenance of economic stability. However, these conditions usually have important consequences for rights-based approaches and should be carefully examined in terms of their implications. For this purpose, the Government needs a greater capacity to negotiate with international financial institutions. This requires both the articulation of a national development strategy, which should be developed with the active, effective and meaningful participation of all stakeholders, including representatives from relevant ministries, civil society, non-governmental organizations and academics, and the organization of a team of experts, including experienced negotiators, researchers and academics who should have an intimate knowledge of how these institutions operate.

Bilateral development assistance agencies usually have resources at a level somewhere between the tens and hundreds of millions of dollars that are at the disposal of international financial institutions and the tens of thousands that are available to international organizations. In addition, they respond to the foreign and development assistance policies of their own Governments and can be more selective in their involvement in promoting specific aspects of right to development approaches. As a consequence, they have more freedom to experiment with and test alternative ways of promoting development, for example, in the provision of primary health care, in training primary school teachers and in helping to respond to environmental challenges. Their involvement in promoting institutional changes in a particular field or region can be sustained over relatively long periods of half a decade or more, which allows them to see the results of their interventions to a larger extent than other international actors.

International civil society organizations have played a relatively minor role in development assistance, although in some specific fields they have had a major impact. For example, in the environmental field civil society organizations, together with private international foundations, have played a leading role in conservation efforts and in preserving some cultural

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[12] On the provision and financing of global and regional public goods, see Sagasti, Bezanson and Prada, *The Future of Development Financing.*

Table 2: **Poverty, exclusion and rights-based approaches to development: Illustrative examples of the role of national and international actors**

Exclusion / Poverty	Economic	Social	Political	National			International			
				State institutions	Civil society	Private sector	Public institutions		International civil society	Private sector
							International financial institutions	Bilaterals		
Circumstantial	High	Low	None	The private sector and State institutions are primarily responsible for achieving economic growth and reducing economic exclusion.			International financial institutions play an important but supporting role. Bilateral agencies can lobby to remove trade barriers that block exports and hamper growth in developing countries.			
Chronic	High	Medium	Low	In addition to the role of the private sector in reducing economic exclusion, State institutions and civil society organizations play the major roles in reducing social exclusion.			In addition to the above, bilateral agencies, international financial institutions and international nongovernmental organizations can contribute to the elimination of social exclusion.			
Endemic	High	High	High	In addition to what is stated above, the main protagonists in eliminating political exclusion is the State, while civil society has a limited role and the private sector plays practically no role.			International entities play a limited role in eliminating political exclusion, with minor exceptions for the international financial institutions and an occasional supporting role for international civil society.			
State legitimization				• Become more efficient and representative • Openness, transparency, accountability • Improve participation • Change incentives for political actors	• Hold government institutions accountable • Mobilize public opinion for democratic governance and practices	• Reject corrupt practices • Be a good taxpayer	• Avoid supporting authoritarian rule	• Support civil society organizations • Exert pressure on the Government for democratic governance	• Assist in democratic transitions • Support programmes to bring the State closer to the people	• Report corruption in Government • Be a good corporate citizen
Social democratization				• Improve provision of basic social services • Eliminate discrimination • Poverty reduction programmes • Special programmes for disadvantaged groups	• Participate actively in poverty reduction programmes • Become involved in the provision of basic social services • Demand equity, fairness and efficiency in the delivery of social services	• Social responsibility programmes • Philanthropic activities	• Be sensitive to social demands that are reflected in requests for increased public spending	• Finance special programmes aimed at poverty reduction • Spread best practices	• Uphold respect for human rights • Denounce discrimination and human rights violations • Assist in programmes to reduce inequalities and improve equity	• Social responsibility programmes • Community development initiatives
Productive transformation				• Create favourable policy environment for investment and growth • Provide services to productive sector • Policies to "formalize" the informal sector	• Consumer protection programmes • Provision of services to members of professional and business associations	• Create wealth to achieve economic growth • Improve efficiency of productive activities • Increase exports • Small and micro enterprises should gradually abandon informality	• Support of local productive initiatives • Assist in the transformation of economic structures	• Provide technical and managerial assistance to private sector • Special programmes for small and informal enterprises	• Provide information about export markets • Assist small firms in complying with foreign standards and regulations • Help achieve environmental sustainability	• Upgrade capabilities of local suppliers • Help in developing human resources • Expand investments in the country

traditions. Similar remarks apply to the international private sector, for foreign investors have not played a major role in rights-based approaches, except in the cases where social and corporate responsibility activities have led to the establishment of community development programmes in the areas adjacent to their centres of operation. Private foundations have played a limited but significant role in a few fields, such as scientific and technological research (seed development, alternative sources of energy, environment) and the provision of some social services (family planning, vaccination, education for girls). Their advantage lies in the great freedom they have to experiment, explore and take risks with new approaches to poverty reduction interventions, for they are not subjected to the same accountability constraints faced by publicly financed bilateral agencies and international organizations.

International community initiatives to foster a rights-based approach can be related to the different types of poverty and exclusion and to the three processes of productive transformation, social democratization and political legitimization of the State. Table 2 provides a few illustrative examples of the types of interventions that the various national and international actors can play in these processes.

VI. Concluding remarks

This paper has briefly reviewed the interactions between a human rights approach to development and democratic governance, the various forms of exclusion that lead to denials of human rights and the types of interventions that are necessary to put in practice processes that would remove the various types of exclusion and create the conditions for people-centred development.

The main idea is that promoting a human rights approach to development requires simultaneous advances in the three processes of social democratization, which reduces inequalities and social exclusion; productive transformation, which establishes a vigorous economy capable of removing economic exclusion; and State legitimization, which creates a representative and efficient State apparatus that eliminates political exclusion.

The various actors in the international community, including public, private and civil society entities, have different roles to play in these three processes. Yet the primary responsibility for putting into practice a human rights approach to development remains at the national level, which requires that political, economic and social elites become aware of the responsibility they bear for advancing towards a prosperous, inclusive and free society for all.

Nevertheless, even though the primary responsibility is national, an enabling international environment is required to facilitate this process, consistent with the right to development. Among other things, this right requires greater democratic governance of international organizations, and particularly international financial institutions. It is not possible to delink national democratic governance from its counterpart at the international level without jeopardizing the implementation of a rights-based approach to development and the right to development.