

# Active, free and meaningful participation in development

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## I. Introduction

Among the extraordinary achievements of the Declaration on the Right to Development is the advancement of a human rights-based approach to development. This approach integrates the norms, standards and principles of the international human rights system into the plans, policies and processes of development.<sup>1</sup>

Crucially, the right to development is the right of individuals and peoples to an enabling environment for development that is equitable, sustainable, participatory and in accordance with the full range of human rights and fundamental freedoms. Such an environment is free from structural and unfair obstacles to development domestically as well as globally.<sup>2</sup>

The current scale and severity of global poverty provides a jarring contrast, and adds urgency, to efforts to attain the sought-for enabling environment. In the light of this situation, the present chapter discusses the key attributes of participatory development efforts undertaken with a human rights perspective. It examines in particular social justice; participation, accountability and transparency; and international cooperation. It gives special emphasis to the democratic component of the right to development at the national and international levels. It concludes with a brief discussion of the Declaration as a dynamic, living instrument that is of enduring value in addressing current and emerging challenges central to development, inspired by the human rights-based approach to development and by a development approach to human rights.

## II. Development from a human rights perspective

According to Stephen P. Marks,

the Declaration [on the Right to Development] takes a holistic, human-centered approach to development. It sees development as a comprehensive process aiming to improve the well-being of the entire population and of all individuals on the basis of their active, free, and meaningful participation and in the fair distribution of the resulting benefits. In other words, recognizing development as a human right empowers all people to claim their active participation in decisions that affect them—rather than merely being beneficiaries of

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<sup>1</sup> Mary Robinson, former United Nations High Commissioner for Human Rights, stated: “The great merit of the human rights approach is that it draws attention to discrimination and exclusion. It permits policymakers and observers to identify those who do not benefit from development ... [S]o many development programmes have caused misery and impoverishment – planners only looked for macro-scale outcomes and did not consider the consequences for particular communities or groups of people.” (Mary Robinson, “What rights can add to good development practice”, in *Human Rights and Development: Towards Mutual Reinforcement*, Philip Alston and Mary Robinson, eds. (Oxford, Oxford University Press, 2005), p. 36).

<sup>2</sup> See “Report of the high-level task force on the implementation of the right to development on its sixth session: right to development criteria and operational sub-criteria” (A/HRC/15/WG.2/TF/2/Add.2).

charity—and to claim an equitable share of the benefits resulting from development gains.<sup>3</sup>

Development from a human rights perspective embraces as key attributes:

- (a) Social justice (through inclusion, equality and non-discrimination, taking the human person as the central subject of development and paying special attention to the most deprived and excluded);
- (b) Participation, accountability and transparency (through free, meaningful and active participation, focusing on empowerment); and
- (c) International cooperation (as the right to development is a solidarity-based right).

According to the Declaration, States have the primary responsibility for the creation of national and international conditions conducive to the realization of the right to development and the duty to cooperate in ensuring development and eliminating obstacles to development (art. 3).

About 80 per cent of the world's population lives in developing countries, marked by low incomes and educational levels and high rates of poverty and unemployment.<sup>4</sup> More than 85 per cent of the world's income goes to the richest 20 per cent of the world's population, while 6 per cent goes to the poorest 60 per cent.<sup>5</sup> The World Health Organization emphasizes that "poverty is the world's greatest killer. Poverty wields its destructive influence at every stage of human life, from the moment of conception to the grave. It conspires with the most deadly and painful diseases to bring a wretched existence to all those who suffer from it."<sup>6</sup>

The Declaration urges that appropriate economic and social reforms be carried out with a view

to eradicating all social injustices. It also adds that States should encourage people's participation in all spheres as an important factor in development and in the full realization of all human rights (art. 8).

In addressing the challenge of global social injustice, it is worthwhile mentioning the Action against Hunger and Poverty initiative launched by the former President of Brazil, Luiz Inácio Lula da Silva, at the United Nations in 2004<sup>7</sup> with the objective of identifying "innovative financing mechanisms" capable of scaling up resources to finance development in the poorest countries. The main argument is that poverty ought to be seen as a problem of universal proportions with spillover effects: "Where there is hunger there is no hope; there is despair and pain. Hunger feeds violence and fanaticisms; a world of the hungry will never be a safer place."<sup>8</sup> According to Andrew Hurrell: "It is highly implausible to believe that the 20 per cent of the world's population living in the high-income countries can insulate itself from the instability and insecurity of the rest and from revisionist demands for change."<sup>9</sup>

Development from a human rights perspective was also endorsed in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in 1993, which stresses that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, adding that the international community should support the strengthening and promotion of democracy, development and respect for human rights in the entire world.

### III. Participatory development: the principle of participation at the national and international levels

The principle of participation and the principle of accountability are central to the right to development. Article 2 of the Declaration on the Right to Development states that "[t]he human person is the central subject of development and should be the active participant and beneficiary of the right to development ...

<sup>3</sup> Stephen P. Marks, *The Politics of the Possible: The Way Ahead for the Right to Development* (Friedrich-Ebert-Stiftung, 2011), p. 2. For Arjun K. Sengupta, the right to development is the "right to a process that expands the capabilities or freedom of individuals to improve their well-being and to realize what they value" ("Report of the Independent Expert on the right to development" (A/55/306), para. 22).

<sup>4</sup> Jeffrey Sachs states that "eight million people around the world die each year because they are too poor to stay alive" (Jeffrey Sachs, *The End of Poverty: Economic Possibilities for Our Time* (New York, Penguin Press, 2005), p. 1). He adds: "One sixth of the world remains trapped in extreme poverty unrelieved by global economic growth and the poverty trap poses tragic hardships for the poor themselves and great risks for the rest of the world." (Jeffrey Sachs, *Common Wealth: Economics for a Crowded Planet* (London, Penguin Books, 2008), p. 6).

<sup>5</sup> Andrew Hurrell, *On Global Order: Power, Values and the Constitution of International Society* (Oxford, Oxford University Press, 2009), p. 11.

<sup>6</sup> Paul Farmer, *Pathologies of Power* (Berkeley, University of California Press, 2003), p. 50.

<sup>7</sup> The New York Declaration on Action against Hunger and Poverty, adopted by the Summit of World Leaders for Action against Hunger and Poverty (New York, 20 September 2004).

<sup>8</sup> The message "hunger cannot wait" constitutes one of Brazil's foreign policy priorities. The proposal by Brazil to create a global fund to eradicate hunger was innovative on an international agenda oriented towards the fight against terrorism. The proposal, disseminating the theme of global solidarity, pointed out that historically it has been the developing countries that have propelled transformation of the international order, thus launching Brazil's role as mediator between North and South.

<sup>9</sup> Hurrell, *On Global Order*, p. 296.

States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom". The Declaration is the only international instrument that makes the nature of participation in development so explicit, emphasizing that States should encourage, promote and ensure free, meaningful and active participation of all individuals and groups in the design, implementation and monitoring of development policies.

Political liberties and democratic rights are among the constituent components of development, as spelled out by Amartya Sen.<sup>10</sup> Democracy demands access to information, alternative sources of information, freedom of expression, freedom of association, political participation, dialogue and public interaction.<sup>11</sup> Based on public reasoning, democracy is conditioned not just by the institutions that formally exist but by the extent to which different voices can be heard. The concept of participation and its relevance as a core element of a right-based approach to development requires addressing democracy at both the procedural and substantive levels. At the procedural level, there are diverse forms by which populations can participate in development through mechanisms such as public consultation, information and decision-making with special consideration given to the participation of vulnerable groups, in particular taking the gender, race and ethnicity perspectives, giving voice to the deprived and the vulnerable.

Civil and political rights are cornerstones of empowerment, strengthening democracy and improving accountability. Democracy enriches reasoned engagement through maximizing the availability of information and the feasibility of interactive discussions. The fact that "no famine has ever taken place in the history of the world in a functioning democracy"<sup>12</sup>

is revealing of the protective power of political liberty. Having an effective voice requires material capacities and the material conditions on which meaningful political participation depends.<sup>13</sup>

In the light of the principle of participation,<sup>14</sup> it is essential to promote participatory rights in national-level policymaking as well as in the decision-making processes of global institutions.

At the national level, the right to free, active and meaningful participation demands, on the one hand, the expansion of the universe of those entitled to participate in democratic activity, inspired by the clause of equality and non-discrimination on the basis of gender,<sup>15</sup> race, ethnicity and other criteria, paying special attention to the most vulnerable.<sup>16</sup>

On the other hand, it demands the expansion of participatory arenas and the strengthening of the democratic density, which can no longer be limited to who participates in democratic activity but must also include how to participate,<sup>17</sup> based on the principles of transparency and accountability and focusing on human beings as agents for democracy. The rise of local participatory processes has taken different forms, encouraging citizen participation. People should be active participants in development and implementing developing projects rather than treated as passive beneficiaries. Every democracy requires agents who must be treated with full consideration and respect for their dignity as moral beings.

In addition to being active and free, participation in development should be meaningful, that is, an effective expression of popular sovereignty in the adoption of development programmes and policies. Meaningful participation and empowerment are reflected by the people's ability to voice their opinions

<sup>10</sup> Amartya Sen, *The Idea of Justice* (Cambridge, Massachusetts, Harvard University Press, 2009), p. 347. "Democracy is assessed in terms of public reasoning, which leads to an understanding of democracy as 'government by discussion'." (Ibid., p. XIII).

<sup>11</sup> Every kind of democracy should meet some basic requirements. According to Robert Dahl, democracy shall meet seven requirements: (a) elected authorities; (b) free and fair elections; (c) inclusive suffrage; (d) the right to be elected; (e) freedom of expression; (f) alternative sources of information; and (g) freedom of association (Robert Dahl, *Democracy and Its Critics* (New Haven, Yale University Press, 1989)). See also *The Democracy Sourcebook*, Robert Dahl, Ian Shapiro and José Antonio Cheibub, eds. (Cambridge, Massachusetts and London, MIT Press, 2003); Robert Dahl, "What political institutions does large-scale democracy require?", *Political Science Quarterly*, vol. 120, No. 2 (Summer 2005), pp. 187-197; Robert Dahl, "A democratic paradox?", *Political Science Quarterly*, vol. 115, No. 1 (Spring 2000), pp. 35-40.

<sup>12</sup> Sen, *The Idea of Justice*, p. 343.

<sup>13</sup> Hurrell, *On Global Order*, p. 316.

<sup>14</sup> Participatory rights are also enshrined in international human rights instruments that give universal protection to political rights, including article 21 of the Universal Declaration of Human Rights, article 25 of the International Covenant on Civil and Political Rights and article 7 of the Convention on the Elimination of All Forms of Discrimination against Women.

<sup>15</sup> Regarding the participation of women, about one in five countries has a quota imposed by law or the constitution reserving a percentage of parliamentary seats for women. This has contributed to a rise in women's share of parliamentary seats from 11 per cent in 1975 to 19 per cent in 2010. (United Nations Development Programme, *Human Development Report 2010: The Real Wealth of Nations: Pathways to Human Development* (Basingstoke, United Kingdom, Palgrave Macmillan, 2010)).

<sup>16</sup> The lack of a voice is a problem afflicting refugees and migrants who no longer live in their countries of origin and are unable to participate politically in their countries of residence.

<sup>17</sup> See Norberto Bobbio, *Democracy and Dictatorship: The Nature and Limits of State Power*, translated by Peter Kennealy (Minneapolis, University of Minnesota Press, 1989). Formal processes of democracy have proliferated at the national level, as can be illustrated by pioneering initiatives in Brazil such as the participatory budget formulation process.

in institutions that enable the exercise of power, recognizing the citizenry as the origin of and the justification for public authority.

At the global level, the principle of participation demands an increase in the role of civil society organizations in policy discussion and decision-making processes. In addition, there is a pressing need to strengthen the participation of developing countries in international economic decision-making and norm-setting.<sup>18</sup> Joseph Stiglitz has noted that “we have a system that might be called global governance without global government, one in which a few institutions—the World Bank, the IMF, the WTO—and a few players—the finance, commerce, and trade ministries, closely linked to certain financial and commercial interests—dominate the scene, but in which many of those affected by their decisions are left almost voiceless. It’s time to change some of the rules governing the international economic order ...”<sup>19</sup>

The policies of international financial institutions are determined by many of the same States that have legally binding obligations under the International Covenant on Economic, Social and Cultural Rights.<sup>20</sup>

In this context, the struggle to achieve a new multilateralism is urgent. This would involve reforms in the global financial architecture in order to strike a new political balance of power, democratizing financial institutions and enhancing their transparency and accountability.<sup>21</sup> The establishment of the Group of Twenty (G20) (shifting global politics from the old Group of Seven (G7) to a new group of emerging Powers), demands for reform of the voting structures of the Bretton Woods institutions (International Monetary Fund and World Bank), as well as other initiatives aimed at broadening global governance, democratizing international decision-making arenas

and strengthening the voice of the South, are worthy of mention. Global challenges cannot be faced without adequate representation for a large proportion of humankind—Africa, Asia and Latin America—at major international forums and decision-making bodies. International order has to be reconceived and reconceptualized. As Andrew Hurrell observed, “Today’s new emerging and regional powers are indispensable members of any viable global order. But the cost of this change is both a far greater degree of heterogeneity in the interests of the major states, as well as an enormous increase in the number of voices demanding to be heard.”<sup>22</sup>

Owing to the lack of democracy in global governance, it is essential to promote good governance at the international level and the effective participation of all countries in the international decision-making process.<sup>23</sup>

#### IV. Conclusion: contemporary challenges for participatory development

According to Freedom House, nearly 40 years ago more than half of the world was ruled by one form or another of autocracy, and many millions of people lived under outright totalitarianism.<sup>24</sup> The majority now live in democratic States. In 2010, the number of electoral democracies stood at 115. However, a total of 47 countries were deemed “not free”, representing 24 per cent of the world’s politics and 35 per cent of the global population. Taking regional criteria, 96 per cent of the countries in Western Europe were considered free, whereas in the Middle East and North Africa just 6 per cent of the countries were considered “free” and 78 per cent were considered “not free”. A free country is one where there is open political competition, a climate of respect for civil liberties, significant independent civic life and independent media. A country where basic liberties are widely and systematically denied is not free.

In this context, the Arab Spring translates the democratic claims of expressive sectors of the population—especially unemployed young people—into more

<sup>18</sup> See “Analytical study of the High Commissioner for Human Rights on the fundamental principle of participation and its application in the context of globalization” (E/CN.4/2005/41).

<sup>19</sup> Joseph E. Stiglitz, *Globalization and Its Discontents* (New York and London, W.W. Norton, 2003), pp. 21-22.

<sup>20</sup> The Maastricht Guidelines on Violations of Economic, Social and Cultural Rights of 1997 (see E/C.12/2000/13) deem a human rights violation of omission as “[t]he failure of a State to take into account its international legal obligations in the field of economic, social and cultural rights when entering into bilateral or multilateral agreements with other States, international organizations or multinational corporations” (guideline 15 (j)).

<sup>21</sup> According to Joseph Stiglitz, “We have a chaotic, uncoordinated system of global governance without global government.” The author defends a “reform package”, including, among other measures: changing the voting structure at the World Bank and IMF, giving more weight to developing countries; changing representation (i.e., who represents each country); adopting principles of representation; increasing transparency (since there is no direct democratic accountability for these institutions); improving accountability; and ensuring better enforcement of the international rule of law (Joseph Stiglitz, *Making Globalization Work* (London, Penguin Books, 2007), p. 21).

<sup>22</sup> Hurrell, *On Global Order*, p. 7.

<sup>23</sup> See A/HRC/15/WG.2/TF/2/Add.2, annex I, Implementation of the right to development: attributes, criteria, sub-criteria and indicators.

<sup>24</sup> The share of countries designated “free” increased from 31 per cent in 1980 to 45 per cent in 2000, and the proportion of countries designated “not free” declined from 37 per cent in 1980 to 25 per cent in 2000. A free country demands free institutions, free minds, civil liberties and law-based societies. (Freedom House, *Freedom in the World 2011: The Authoritarian Challenge to Democracy*, available from <http://freedomhouse.org>).

political participation and social justice.<sup>25</sup> Since the end of January 2011, many Arab States, where the executive branch dominates, unchecked by any form of accountability, have been confronted with the biggest upheavals since their formation, reflecting political aspirations for democracy, the rule of law and human rights.<sup>26</sup> Through participation and resistance, the Arab Spring reflects the extent to which disadvantaged groups can use the available political rights as a platform of protection and empowerment for struggles towards the expansion of their rights.<sup>27</sup> It also

<sup>25</sup> There has been widespread use of the Internet as a political platform and a tool to mobilize people for change. See the cases of Bahrain, Egypt, Libya, the Syrian Arab Republic, Tunisia and Yemen.

<sup>26</sup> According to Walter Feichtinger, "People are no longer willing to accept corruption, political exclusion, denial of civil rights or absence of perspective due to unemployment." He also notes that "[t]he political shift in the Middle East and North Africa region will be of similar importance for Europe as the end of the Cold War and the dissolution of the former Soviet Union were" (Walter Feichtinger, "Transition in Arab States: time for an 'EU-master plan'", Geneva Centre for Security, Policy Paper No. 13, April 2011, available from [www.humansecuritygateway.com](http://www.humansecuritygateway.com)). See also Paul Chamberlin, "The struggle against oppression everywhere: the global politics of Palestinian liberation", *Middle Eastern Studies*, vol. 47, Issue 1 (2011), pp. 25-41; Thomas L. Friedman, "Hoping for Arab Mandelas", *New York Times*, 26 March 2011; Ivan Krastev, "Arab revolutions, Turkey's dilemmas: zero chance for 'zero problems'", *Open Democracy*, 24 March 2011; Azza Kazam, "Reclaiming dignity: Arab revolutions of 2011", *Anthropology News*, vol. 52, Issue 5 (May 2011), p. 19; Anouar Boukhars, "The Arab revolutions for dignity", *American Foreign Policy Interests: The Journal of the National Committee on American Foreign Policy*, vol. 33, Issue 2 (2011), pp. 61-68; Michael Sakbani, "The revolutions of the Arab Spring: are democracy, development and modernity at the gates?", *Contemporary Arab Affairs*, vol. 4, Issue 2 (2011), pp. 127-147; Editorial, *Washington Post*, 28 February 2011.

<sup>27</sup> For this discussion, see Guillermo O'Donnell, "Democracy, law and comparative politics", Kellogg Institute for International Studies of Notre Dame University, Working Paper No. 274, April 2000. Endorsing the idea that a democratic regime is a valuable achievement, O'Donnell adds that the

demonstrates the intimate connection between civil, political, social, economic and cultural rights, thus endorsing the holistic concept of human rights and the importance of respecting the right to development, focusing on how human beings live and what substantive freedoms they enjoy in each society.<sup>28</sup>

The major cause of the political shift in the Middle East and North Africa region is the violation of the right to development and its implementation is the major demand, based on active, free and meaningful participation. It reflects how the Declaration on the Right to Development is perceived: as a dynamic and living instrument capable of addressing the contemporary challenge of advancing global democracy and global justice based on international cooperation and the creativity of civil society, and considering development as an empowering process.

installation of a democratically elected Government opens the way to a second transition which is longer and more complex than the initial transition from an authoritarian Government. This is the challenge of institutionalizing and consolidating a democratic regime. See also the following by Guillermo O'Donnell: "Democratic theory and comparative politics", *Studies in Comparative International Development*, vol. 36, No. 1 (Spring 2001); "Democratic theories after the third wave: a historical retrospective", *Taiwan Journal of Democracy*, vol. 3, No. 2 (December 2007), pp. 1-9; "Why the rule of law matters", *Journal of Democracy*, vol. 15, No. 4 (October 2004), pp. 32-46; *Democracy, Agency, and the State: Theory with Comparative Intent* (Oxford and New York, Oxford University Press, 2010).

<sup>28</sup> Note that Arab countries (such as Morocco, Saudi Arabia and Yemen) have the worst gender disparities and inequalities. In these countries, disadvantages facing women and girls are the source of high inequality levels. See Ricardo Hausmann, Laura D. Tyson and Saadia Zahidi, *The Global Gender Gap Report 2010* (Geneva, World Economic Forum, 2010).

