

Human Rights Activism for Democracy and Human Development in the Democratic Republic of Congo: A Conceptual Appraisal

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Abstract: Debates on the impact of democracy on human development are controversial depending on the theory in use. Through the combination of the democratic theory on good governance and public administration and human development research approaches on service delivery, this paper aims to show that dictatorship and government's lethargy to embark on democratic process and good governance have hampered the development of the Democratic Republic of Congo. Considering the escalating human rights abuses and violence linked to elections and electoral processes, denying or delaying people's right to elections not only falsifies democracy but contributes to underdevelopment. The paper emphasises that democracy can favour development. It recommends that establishing both democracy and good governance can foster development in the one hand and an effective and responsible human rights activism can hold the government of the Democratic Republic of Congo accountable in implementing democratic processes and good governance for service delivery resulting in human development in the other hand.

Keywords: Democracy, Elections, Human development, Human rights activism

1. Introduction

Since its independence in 1960, the Democratic Republic of Congo (DRC) has organised only two elections in 2006 and 2011). In 2006, voters elected national and provincial representatives at the expense of municipal and local elections. These elections were the first experience of democratic votes in the DRC and therefore commended by the international community as peaceful since the agonising dictatorial epoch of Mobutu's monopartite political system. However, during the 2006 and the 2011 elections, cases of gross human rights abuses and violations amounting to casualties, arrests, lootings and the like, were observed. Additionally, as the country was preparing for elections supposed to happen before December 2016 at all levels, voices were raised about the intensity of concealments to delay or cancel the ballots. This situation has resulted in violent demonstrations with negative consequences on people's human rights.

The governments of transition following the fall of Mobutu's dictatorial regime have unfortunately brought less if no hope for development in that country. The enjoyment of democracy can be easily tested through seven key criteria referred to as 'polyarchy' by Dahl (1971): Five of those criteria are important for this paper. They are not cited

and grouped in order of hierarchy; (1) Relatively frequent, fair and free elections; (2) Universal adult suffrage. Elections have not been frequent, fair and free in the DRC for many years. The current delays or denial are a gross abuse of democracy; (3) Control over governmental decisions about policy constitutionally vested in elected officials. If democracy happened in the DRC, the elected leaders could be responsible and accountable and therefore facilitate human development; (4) Freedom of expression; and (5) Freedom of association (i.e. the right to form and join autonomous associations such as political parties, interest groups, etc). The lethargy of the government to implement democratic process and to deliver services should be denounced by individuals and groups within the society. The human rights activists are key leaders in doing such work. In the DRC, freedom of expression and of association and human rights activism are reprimanded which is another great abuse of democracy.

Research culminating into this paper, through mainly literature review on human rights abuses and violations especially those linked to up-coming election times, explores three major issues relating to democracy, human rights activism and their impact on human development. Primo, the paper argues that human rights abuse and violations linked to elections have not only falsified the

democratic process but contributed to worsening the under-development of the DRC. Secondly, the paper establishes that when political decisions assist individuals to acquire the power to decide by means election (Schumpeter, 1942), it means that democracy can facilitate human development. Thirdly, the paper views the democratic theory of development as possible in the DRC and agrees with Michael and Morton (2004) that democracy can strengthen development and contribute to a positive social welfare.

Five main sections are therefore explored in this paper including this introduction (first section). The second section succinctly analyses the theoretical framework which explain the problem at hand and the sourcing of specific appropriate qualitative information. The third section highlights the impact of democracy on human development with an emphasis on elections as a precondition for democracy in the DRC and responds to: (1) how delaying or denying people's basic human rights to elections falsify the democratic process and contribute to under-development; and (2) what is the importance of free and fair elections in building democracy and a political and public administration systems that facilitate service delivery and consequently human development. The fourth section analyses how activism can promote democracy and strengthen human development. The fifth and last section concludes the paper with the researcher's recommendations.

2. Theoretical Framework

This paper is the result of a qualitative research through literature review. It reflects the combination of democratic theory, public administration research approach and human development research approach to explain the problem under study and the recommendations thereof. The democratic theory is an emanation of political theory. It primarily examines the definition and meaning of democracy and the moral foundations, obligations, challenges, and overall desirability of democratic governance (Laurence, 2015). This paper examines the democracy process in the DRC to show that such process has not yet taken off considering both the delays and denial of elections in the country. The public administration approach focuses on the notions of politics and the management of public affairs. In an essay published in the *"Political Science Quarterly"* in July 1887, Woodrow Wilson viewed public administration as a detailed and systematic execution of public

laws and divided government institutions into two, politics and administration sectors. Politics deals with issues and questions relating to policy formulation, whereas administration is mandated with implementing policies. Because of the absence of democratic processes in the DRC, the public administration is politicised and therefore unproductive.

The human development theory emanates from the work of Amartya Sen and focuses on human capabilities with regards to socio-economic (social capital growth, positive well-being) prosperity favouring development. Human Development is therefore defined by the United Nations Development Programme (UNDP) (1997,17) as "the process of enlarging people's choices", said choices allowing them to "lead a long and healthy life, to be educated, to enjoy a decent standard of living", as well as "political freedom, other guaranteed human rights and various ingredients of self-respect". The case of the DRC is that, democracy processes have not taken place leading to an effective public administration and consequently a halt to human development.

The New Public Management theory is a combination of administrative practices or a body of theory that interprets recent developments in public administration according to Stephen (2007). This paper concedes that an appropriate public administration should consist of politics that practices representativeness and political responsiveness and value and protect human rights in one hand and in the other, hand an effective, efficient and public management system to facilitate service delivery for human development.

The paper therefore contends that, when political representativeness and responsiveness fail, when human rights are abused and violated, and when public management does not deliver on socio-economic rights of the people, human rights activism can be one of the ways of holding the government accountable and responsible. This double-theory approach is facilitated through a qualitative research approach based on a selective literature review focussing on specific case studies related to human rights activism and specifically elections and their impact on socio-economic development.

3. Democracy and Human Development

Establishing the causal link between democracy and human development is a controversial debate

and not the focus of this paper. However, of different theories on such causal link, the researcher holds that a certain level of human development is necessary for democracy to take off be sustained in a country and similarly, democratic governance can facilitate the enjoyment of political and socio-economic rights of people leading to human development.

3.1 What is "Democracy"?

Democracy is, according to Boundless (2016), a form of government in which all eligible citizens have an equal say in the decisions that affect their lives. Democracy allows people to participate equally – either directly or through elected representatives – in the proposal, development, and creation of laws, and encompasses social, economic, and cultural conditions that enable the free and equal practice of political determination.

Several variants of democracy exist, but there are two basic forms, both of which concern how the whole body of citizens executes its will. One form of democracy is direct democracy, in which citizens have direct and active participation in the decision making of the government. The other form is the representative democracy, whereby the whole body of citizens remain the sovereign power although political power is exercised indirectly through elected representatives.

3.2 Key Principles of Democracy

Cheema and Maguire (2002:3), view a representative democracy as based on institutions and processes such as free and fair elections, the existence of political parties, the separation of powers, and the presence of representative bodies. This paper emphasises the importance of elections as a key principle for the promotion of democracy in the case of the DRC.

3.3 Denying People's Basic Human Rights to Elections Falsifies Democratic Process

According to Tuzin, Newman and De la Vega (2007), the Universal Declaration of Human Rights ("UDHR") asserts the right to vote and the right to public participation in government in its Article 21 stipulating that: 1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives; 2) Everyone has the

right of equal access to public service in his country; and 3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 25 of the International Covenant on Civil and Political Rights ("ICCPR") codifies these rights, requiring that: Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: 1) To take part in the conduct of public affairs, directly or through freely chosen representatives; 2) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; and 3) To have access, on general terms of equality, to public service in his country.

Furthermore, the right to vote is protected under several regional human rights instruments, including Article 13 of the African Commission on Human and People's Rights ("ACHPR"), Article 23 of the American Convention on Human Rights ("ACHR"), and Protocol One of the European Convention on Human Rights ("ECHR"). The right to vote is fundamental and not supposed to be denied in any circumstance. The fact that the DRC has not had elections at provincial and local levels since 2006 and that the 2016 elections have been postponed indicates that the democratic process is flawed and therefore falsified. The rise in human rights activism is therefore justified.

3.4 Human Development

Understanding the concepts development and socio-economic development is not an easy task and not the focus of this paper. However, discussing development is a matter of considering how the low standard of living of the mass of the population in the developing world (as it is the case of the DRC) is singled out as a key issue (Szirmai, 2005:1). This researcher considers two critical topics in defining the dynamics of socio economic development: 1) development of per capita income over time; and 2) factors influencing economic development or stagnation. Espousing Myint's 1980s theory, Szirmai emphasises two approaches in discussing development: 1) the fight against poverty which is still a main dilemma for many developing countries;

and 2) analysing the long term economic and social development (Szirmai, 2005), which is the interest of this paper. The human development notion is very important in considering the impact of democracy on development. The human development approach is a new terminology that means the measurement of three non-weighted three variables: 1) the index of per capita gross domestic income; 2) life expectancy at birth, and 3) the level of education (Szirmai, 2005:15). The three different indicators can also be understood as: 1) the Basic Human Needs; 2) the Foundations of Wellbeing, and 3) the Opportunity. These indicators are weighted equally in the overall Human Development Index.

Developed by economist Mahbub ul Haq, human development is defined as the process of enlarging people’s freedoms and opportunities and improving their well-being. Human development is about the real freedom ordinary people have to decide who to be, what to do, and how to live (Szirmai, 2005). The human development concept can also be measured through the Social Progress Index. According to Social Progress Imperative, a non-profit organisation, the Social Progress Index is based on the writings of Amartya Sen, Douglass North, and Joseph Stiglitz. It measures social progress, not wealth. It analyses the extent to which a country provides for the social and environmental needs of its citizens through fifty-two indicators in the areas of: 1) basic human needs; 2) foundations of wellbeing, and 3) opportunity. These indicators show the relative performance of countries.

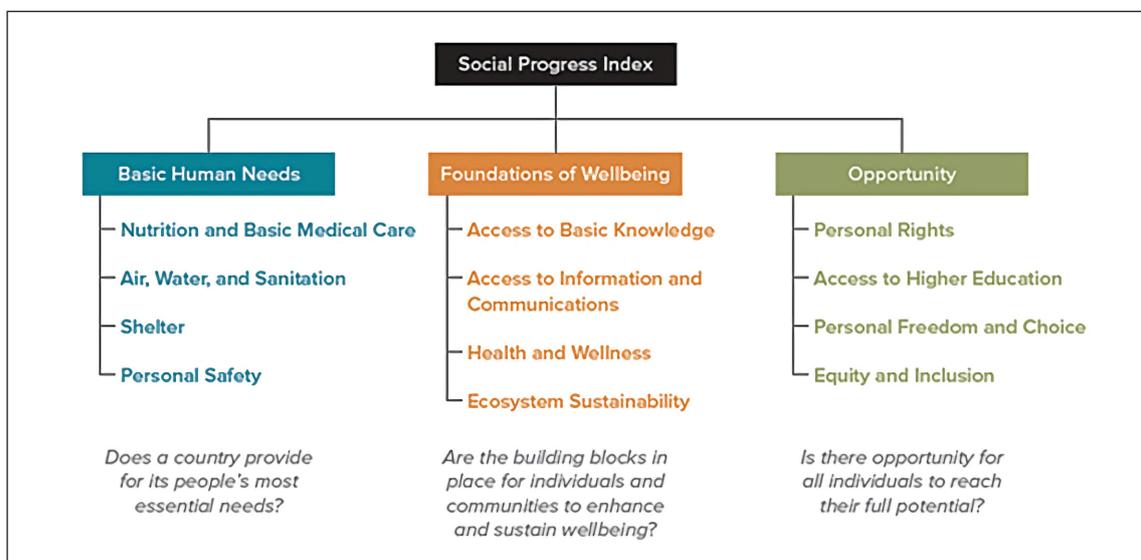
The notion of the human development and that of the Social Progress Index as compared to development and socio-economic development, emphasise the notion of public participation; thus, the impact of democracy on human development.

3.5 Impact of Democracy on Human Development

It is not the purpose of this paper to deeply analyse the direct impact of democracy and good governance on development. A quick assessment however, shows a mixed reaction. Rodrik, Arvind and Francesco (2004) argue that good governance implies the rule of law and emphasises property rights thus having a positive impact on economic prosperity. Similarly, Siegle, Michael and Morton (2004) view democracy as strengthening development and thus contributing to a positive social welfare. These two ideas are rejected by many other authors. For instance, Ross (2006) argues that democracy has no significant impact on economic prosperity and on social welfare considering welfare indicators such as health, education, etc. This paper considers the link between democracy and development as argued above.

Those who appreciate the positive impact of democracy and good governance on economic prosperity and social welfare understand that the participation of the population through their elected leaders is crucial in putting their issues on the government’s agenda. They also argue that elected leaders have

Figure 1: Social Progress Index



Source: <http://iasgyaanvaani.blogspot.cz/2014/04/gyaan-irnss-banking-license-social.html>

the duty to respond to the needs of their electorate and that democracy has a certain level of checks and balances in so far as once not addressing the needs of the electorate, an elected leader cannot be re-elected. Democracy and good governance imply an open and direct flow of information from the elected leader to the electorate which facilitate responsibility and accountability thus transparency and less if no corruption. Democracy implies a smooth leadership succession and a predictability based on the performance of the current elected leaders and good governance can provide services because those with political and administrative powers need to commit to the rule of law.

For Przeworski, Alvarez, Cheibub and Limongi (2000), the normative theory of democracy is best. They argue that "democracy is a good thing intrinsically and instrumentally". Intrinsically, democracy can be compared to the ability of people to live as free and autonomous possible. Instrumentally, democracy becomes an institutional pledge that government's laws and policies address the needs and interests of people. For these authors, democracy determines people's quality of life. This paper fully supports this theory.

The Council on Foreign Relations (2003) is of the view of the proponents of the normative theory of democracy whereby democracy and good governance facilitate and promotes economic prosperity and social welfare. It concedes that democracies have outperformed autocracies in the consistency of their growth. Growth in democracies was also at a faster rate than in autocracies. Considering an analysis of the 80 worst economic performers in the last 40 years, the Council observed that all but three countries have been autocracies. Council concludes that, in some cases up to 50% of cases, democracies have performed substantially better than autocracies in the social welfare dimension of development or Social Progress Index if not human development in general (life expectancy, child mortality and literacy).

3.6 Importance of Elections in Building Democracy and Human Development

Cheema and Maguire (2002:2) emphasise the importance of elections in promoting democracy that contributes to human development. They argue that, in addition to the causes of poverty in many developing countries, democracy and good governance – that is, the institutions and processes

of democratic governance and their quality, are critical factors that influence, and are influenced by the positive and negative changes. They maintain that, when governance is democratic, meaning that it upholds the principles such as participation, rule of law, transparency and accountability, it goes a long way toward improving the quality of life and the human development of all citizens. For development to be sustainable, transparent and accountable institutions through electoral bodies, parliaments, human rights institutions and the judiciary are an imperative. The national and local capacity to formulate and implement people-centred policies, and legal and regulatory frameworks that facilitate development can therefore be possible through public participation which can only be possible through representation. Regular free and fair elections are therefore the basis of political legitimacy in any country that embraces the democratic route. Through regular free and fair elections, people's development needs can be incorporated in public policies through their representatives and services and goods delivered through responsible public governance.

4. Activism for Democracy and Human Development

This paper emphasises political rights such as the right to vote as paramount in the enjoyment of human development. This focus does not mean that democracy is solely defined by elections but only justifies the importance of free and fair elections in a country that has endured dictatorship and a myriad of transitional governments that have not fostered human development.

4.1 Link Between Elections and Democracy

Some minimalist and maximalist definitions of democracy by Cheema and Maguire (2002:5-6) assist in linking democracy directly to elections. The minimalist definition of democracy by Joseph Schumpeter as cited by Cheema and Maguire (2002:5) as: "institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote, is not applicable to the current democratic process in the DRC because the elections are not taking place and have been delayed for no valid reason, thus the rise of human rights activism currently underway in the DRC. In this case, human rights activism to claim the organisation of elections in the DRC is justified.

The maximalist definition of Larry Diamond as cited by Cheema and Maguire (2002:6) enumerates rights and liberties to be associated with a competitive and inclusive system of government such as: civilian rights, constitutional rights, a multiparty regime, regular, free and fair elections, extensive civil liberties (freedom of expression, freedom of the press, freedom to form and join organisations); effective power for elected officials; and functional autonomy for legislative, executive and judicial organs of government. Enjoying these rights has been impossible in the DRC prompting the rise of recent human rights activism campaign claiming not only the elections but the respect of the Constitution.

4.2 Human Rights Activism in the DRC: The Case of "Filimbi" and LUCHA

"Filimbi" means a whistle in Swahili, one of the official languages of the DRC. It is a movement of mainly young people who reclaim their rights to democratic governance in the DRC, the respect of the constitution and the organisation of elections by the government. LUCHA (Lutte pour le Changement) means "Struggle for Change". It is another youth-led movement that opposes the third consecutive term for the current president and the delays in organising elections. According to Amnesty International (2016), the DRC government is violating the rights to freedom of expression, association and peaceful assembly pushing the country into crisis by preventing dissenting voices from organising and expressing themselves on elections and term limits. The consequences of such repression have been not only the casualties (more than 40 on 19-20 September and almost the same on 19-20 December 2016 but economic losses and perturbations with regards to school calendars etc.

The acts of the government of the DRC amount to a gross abuse of basic human rights according to the definition of democracy. The civilian rights and constitutional rights and the extensive civil liberties to freedom of expression, freedom of the press, freedom to form and join organisations have been denied to many human rights organisations and the hold-up of regular, free and fair elections.

4.3 Why is Human Rights Activism Not Respected in the DRC?

There are various reasons why human rights activism is not thriving in the DRC. In other words, human rights activism has not yet successfully claimed

the enjoyment of basic human rights in the DRC. Balogun's 2012 argument about the problem of human rights activism in Nigeria applies in the case of the DRC. The actor analyses a three-fold problem of Ayo Obe (a renowned Nigerian female activist and former President of the Civil Liberties Organisation (CLO) in Nigeria). The three-fold problem is included in the following quick assessment:

- The political class is composed of inexperienced elites who are motivated by personal interests. They have no notion of democratic practices. They are corrupted and do not observe the principles of good governance. This political class is suspected of advising the current president to hang illegally into power at any cost in order for them to greedily benefit.
- In the DRC, as well as in many countries worldwide, human rights activism has been associated with terrorism; a way for governments to arbitrary arrest and detain activists. The government of the DRC has accused the Filimbi and LUCHA movements of functioning illegally as they were not dully registered locally and internationally. Balogun, (2012) refers to arbitrary, unaccountable, vindictive, lawless and self-deceiving government under which human rights groups and activists struggle to operate, constitutes the greatest problem facing human rights activism.
- The United Nations and the international community's willingness not to enforce the respect of international human rights principles and practices contributes to the lethargy of the government to implement democracy in the DRC. The different United Nation missions deployed in the DRC witness helplessly the abuse of human rights as their mandate is not advantageous to the people.
- In many instances, human rights activism movements are punctual and not structured. This creates a situation whereby the actions of the human rights activists are not consistent and permanent as they are meant to address singular issues that might not necessarily address the key issues faced by the population. For Balogun (2012), some human rights groups and activists are not genuinely focused – some are more liberal, while few are beyond the fringe. The author also argues that people do not usually have confidence in activism and in themselves; as a result, such attitude and beliefs discourage virile and effective activism.

- Poverty and illiteracy have contributed to the inertia of people to claim and defend their basic human rights. In one way, they are not aware of their rights to claim them and they are interested in making their living than spending time to claim their rights in another way.
- A well trained and responsible political class and public administration should be able to distinguish between a human rights activism and terrorism and allow human rights activists to claim the rights of the people in a structured way. The government of the DRC should therefore be able to register its human rights movements and establish their functioning according to the local and international laws and regulations.

5. Conclusion and Recommendations

Balogun (2012) views human rights activism and activism in general as an international action to facilitate social and political change. Human rights activism is therefore a necessity for the promotion of democracy and good governance to lead economic prosperity and social welfare (human development) in the DRC. This paper agrees with the proponents of a democratic theory as opposed to the authoritarian theory of development without necessarily establishing the link between democracy and development in the DRC as democracy has not yet happened in that country. The paper therefore suggests that democracy and good governance should be initiated, implemented and sustained in the DRC in order to facilitate human development. A democratic government should therefore lead to human development whereas an effective human rights activism should hold government responsible and accountable and facilitate credible actions to reclaim the basic human rights of the citizens.

A way of assuring checks and balances in the implementation of democratic processes and good governance is therefore a responsible human rights activism representing the electorate and the people in general against the government. Since human rights activism seems to be a new concept in application in the DRC and considering the factors hindering the success of activism, the following recommendations are crucial:

- Democracy and good governance mean the rule of law, responsibility and accountability. The political class as well as the public administration of the DRC need to uphold patriotism, loyalty and nationalism in order to foster democracy and good governance. A code of ethics and professionalism on democracy and good governance should therefore be developed and signed by each active politician and public office bearer. Regular training on democracy and good governance is therefore mandatory for all active politicians and public administration officials.
- The United Nations and the international community should be involved in making the government to respect the local and international laws and regulations with regards to democracy and good government. Mechanisms such as political and economic sanctions should be initiated once the government is found to be willingly abuse basic human rights and impeding democracy and good governance. The mandate of the United Nation missions deployed in the DRC should be modified to include the protection of basic human rights. Interventions against the abuse of human rights activist are therefore important by such mission as well as the protection of victims of human rights abuses.
- For human rights activism to thrive, human rights activists need to be structured, coordinated and organised. Human rights activists need also to be trained in basic human rights, democracy and good governance. Such training will facilitate the actions of the human rights activists for a positive impact than just punctual actions. It will also create a certain level of confidence of the people in the actions of the human rights activists.
- Creating a responsible citizenry is the responsibility of both the government and the human right activists. The government should lead the process of training and informing people on their human rights, democracy and good governance. Such awareness will assist the government in the sense that people will claim their genuine rights in a structured and official way. The human rights activist should also assist in training and informing people on their human rights and the democratic processes and good governance as to earn their confidence for activism actions to bear positive impacts. Poverty and illiteracy are key human development indicators which will depend on a democratic theory of development as promoted by this paper.

It is however cautious that two imperatives should be considered in order for democracy to thrive in the DRC. Firstly, the right to elections is non-negotiable in cementing democracy and good governance. Secondly, the action of a responsible and credible human rights activism whereby citizens hold the government accountable and responsible for implementing democratic processes (and a good governance that respects human rights is needed. If achieved, these two imperatives democracy can facilitate human development in the DRC. Being a preliminary analysis, this paper sets a foundation for various research topics on democracy, good governance and human development in the DRC. It established that democracy and good governance have not yet been possible in the DRC. Establishing the link between democracy and human development is therefore premature at this stage. One critical research topic is on how to establish a democratic system and good governance in the DRC. The outcomes of such research can therefore be used to set up indicators of democracy in the DRC and how such indicators can be used in facilitating the democratic theory of development.

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