

International Journal of Political Science And Development

Volume 3, Number 11



<http://www.academicresearchjournals.org/IJPSD/Index.htm>

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Public Diplomacy as Method of Conflict Prevention on Nile basin

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Accepted 13 November 2015

Ethiopia had turned a leaf in her foreign policy in the past two decades. The Foreign Policy and National Security Strategy has redefined and re-evaluated her priorities, identified the major threats to Ethiopia and indeed to its survival: economic backwardness and the desperate poverty affecting a large majority of the population. In particular, with regard to bilateral relations, the policy clearly stipulated that Ethiopia was pursuing engagement with all other countries on the basis of the principle of mutual interest and respect. Relations with all neighbors over the last two decades have been a testament to the seriousness with which the country has adhered to these principles. Importantly, Ethiopia believes that whatever differences countries may have, issues of common concern can only be addressed on the basis of constructive engagement, of dialogue and in a manner that allows for a win-win outcome for all. Ethiopia was determined that the Nile can and indeed should be a source of cooperation and mutually beneficial relations between Ethiopia, Egypt and other lower stream country in a whole number of ways. This has not, however, always been the case. Indeed, the issue of the use of the Nile water has often been a major sticking point in the relationship, a major stumbling block to any sort of robust bilateral link that might have enhanced the interests of both countries. Ethiopia attaches great importance to its relations with Egypt, over the Nile as in the area of security. It accepts that Egypt has legitimate interests in the use of the Nile River. Equally, it sincerely believes that the only way any controversy over the use of such a common resource can be settled is through dialogue and the principle of equitable utilization of the water, without causing significant harm to others. When it comes to foreign relations, countries will always pursue their national interests. A sober assessment of the methods used to do this, including the use of soft power and hard power, is indispensable to success. In the information age, soft power, which is the ability to shape what others want and projecting a positive image, stands tall as a technique to help achieve foreign policy goals? Indeed, public diplomacy through the employment of soft power has helped countries communicate values and achieve foreign policy objectives.

Cite This Article As: Abebe T (2015). Public Diplomacy as Method of Conflict Prevention on Nile basin. Inter. J. Polit. Sci. Develop. 3(11): 433-440

INTRODUCTION

Diplomacy has existed since the beginning of the human race. The act of conducting negotiations between two persons, or two nations at a large scope is essential to

the upkeep of international affairs. Among the many functions of diplomacy, some include preventing war and violence, and fortifying relations between two nations.

Diplomacy is most importantly used to complete a specific agenda. Therefore without diplomacy, much of the world's affairs would be abolished, international organizations would not exist, and above all the world would be at a constant state of war. It is for diplomacy that certain countries can exist in harmony.

There has not been a documented start of diplomacy; however there have been instances ranging back to the 5th century where diplomacy arose in certain nations. Dating back to 432 B.C, the Congress of Sparta was an "illustration of diplomacy as organized by the Greek City States" (Nicolson 1). The origin of the word "diploma" comes from different sides of the earth. In Greece diploma meant "folded in two", while in Ancient Rome the word was used to describe travel documents. Often times the word diplomacy is given many meanings. Many times will the words "policy" and the word "negotiation" be seen as synonyms; hence the word "diplomacy" and "foreign diplomacy" are deemed to be similar (Nicolson 3). These "synonyms" of diplomacy are all faulty. While they may be very similar in some cases, they are not the exactly the same. Sir Harold Nicolson who was an English Diplomat born in Tehran, Persia, states that:

"Diplomacy is neither the invention nor the pastime of some particular political system, but is an essential element in any reasonable relation between man and man and between nation and nation" (Nicolson 4).

For the upkeep of the International System, diplomacy is used in every corner of the world. Without it many nations would not be able to conduct successful negotiations.

While many are not able to find a clear beginning or creation of diplomacy, modern diplomacy has become much more advanced and many aspects have changed over the years. The Peace of Westphalia in 1648 created the first modern diplomatic congress in addition to creating a new world order in central Europe based on state sovereignty. Much of Europe began to change after the introduction of modern diplomacy. For example, "France under Cardinal Richelieu introduced the modern approach to international relations, based on the nation-state and motivated by national interest as its ultimate purpose" (Kissinger 17). The New World Order began to bloom in all of Central and Western Europe.

Great Britain argued for the "balance of power" which kept European diplomacy alive for the next 200 years (Kissinger 17). Every country in Europe contributed a little to the diplomacy the world has today. The balance of powers theory that many famous realists such as Francesco Sforza, Machiavelli, and Guiciardini argued was and still is an essential component of modern diplomacy. Many could argue that diplomacy is a product of society and history itself. As countries progress different aspects are added to diplomacy. Separation of

powers, national interest, and a country's sovereignty are only a few elements that were added to modern diplomatic history. Therefore, diplomacy can be seen as an ever-changing concept, the same way International Relations between countries fluctuate. Author of **The Pure Concept of Diplomacy** José Calvet De Magalhães stated that "continuity of the diplomatic institution throughout thousands of years and in all known civilizations shows that diplomacy is an institution inherent to international life itself, one that may undergo transformations or may be used with more or less intensity, but cannot be dispensed with" (Szykman).

There are in fact many functions of diplomacy that make diplomacy an essential ingredient for any peaceful and efficient change. The reason to negotiate with other persons has always been the same, to have better relations. Over the course of diplomacy being in existence, the structure of diplomatic posts has changed from a loose one to an organized institution made for a specific purpose. While the structure of diplomatic posts has changed, the functions always remained the same. There are four functions of diplomacy. The first function involves "representing a state's interests and conducting negotiations or discussions designed to identify common interests as well as areas of disagreement between the parties, for the purpose of achieving the state's goals and avoiding conflict" (Ameri 1). Representations of a state as well as negotiation are the most important functions of diplomacy. Negotiations between two representatives are a key component in diplomacy, because in doing so the representatives find a common interest. Finding a common interest is vital in conducting negotiations because with a common interest representatives are able to devise a solution that is in the interest of both sides. G.R. Berridge that negotiation "can produce the advantages obtainable from the cooperative pursuit of common interests; and it is only this activity that can prevent violence from being employed to settle remaining arguments over conflicting ones" (Berridge 1).

The second function of diplomacy involves "the gathering of information and subsequent identification and evaluation of the receiving state's foreign policy goals" (Ameri 1). Diplomatic posts are concerned with gathering information; however when the information is sent back to their native country a Foreign Ministry analyzes the data and determines what foreign policy should be enacted. Political leaders choose what path is right for their country then. The third major function of diplomacy is expansion of political, economic, and cultural ties between two countries (Ameri 2). For example, after WWII countries such as the United States and Britain aimed their foreign policy at the extermination of communism. In present day, the United States State Department engages international audiences to speak about politics, security, and their values to help create an environment receptive to US national interests. In

addition, “the State Department annually sponsors more than 40,000 educational and cultural exchanges” (Diplomacy). Finally, the fourth function of diplomacy is that “diplomacy is the facilitating or enforcing vehicle for the observation of international law” (Ameri 2). It is the diplomat’s job to promote the country’s national interests and keep ties with other countries open. The emphasis put on diplomacy is not just dominant in today’s world, however it was a developing concept in the Renaissance as well.

Great thinkers such as Machiavelli, Guicciardini, Grotius, Richelieu, Wicquefort, Satow, Nicolson, and Kissinger had a profound impact on diplomacy. For Machiavelli diplomacy was a tool of deception to grant more power to the state (Beridge 24). Machiavelli’s impact on leaders was a major one because he argued for leaders to be headstrong as well as reserved. Guicciardini promoted the upkeep of good relations; to be careful with whom one deals with and that reputation is key in a negotiation (Berridge 43). His contribution to diplomacy was that diplomatic posts are given to people who can be trusted and can promote their country’s state interests. What these great thinkers contributed to diplomacy was immense. All of them contributed a different element to the ever-growing concept of diplomacy. Since the subject of diplomacy is always growing and changing, it can be said that because of its vast effect on the world, everybody needs diplomacy to survive. It has become such a vital part of everyone’s life that is indirectly becoming a trait for survival.

Throughout the course of history diplomacy has been a paramount element in the upkeep of peace and in the creation of positive change. Without diplomacy much of the world’s affairs would not exist. There are many examples of how diplomacy has affected countries, and even individual citizens. An example of how negotiation positively can affect someone is Clinton’s negotiation with Kim Jung Il in North Korea. Their peaceful negotiation resulted in the release of two American citizens. An example of how power can corrupt diplomacy is Libya and Switzerland. With the introduction of power, in other words oil, countries such as Libya with the leader Ghaddafi are able to have a stronger presence in the world and say things that can normally not be said. Power corrupts, however diplomacy seeks to rid corruption and reinforce the international system as well as international law. It is for diplomacy that international organizations can exist. In a diplomatic way, an international organization is merely a many members finding a common ground on a particular subject. In the United Nations for example, all the members try to find a common interest for positive change. Although it is sometimes perceived to be slow change, the method of diplomacy causes fewer casualties than any other one. If diplomacy were not in existence, international organizations would not exist. The world would be at a

constant state of war, and war would in fact never end because they normally end with diplomatic negotiations.

Ethiopia and Egypt have long and historical relations. Both are recognized internationally as being ancient and replete with history. And they have centuries-old religious ties through the Orthodox Christian and Islam religions. Above all, however, their tie largely revolves around the Nile. While this tie should have been positive and one of collaboration, it has been characterized by mistrust and misgiving.

Until recently Egypt has been using both directly and indirectly all available means to exert security-related and other forms of pressure on Ethiopia with the aim of guaranteeing its continued dominant and sole use of the waters of the Nile.

In the wake of the announcement by Ethiopia of its plans to build the Grand Ethiopian Renaissance Dam (GERD) the government of former president Mohammad Morsi went apoplectic and even went as far as threatening to bomb the dam.

Following the toppling of the Islamist government of Mohammad Morsi the ascension to the current president, Abdel Fattah el-Sisi, has said that Egypt’s relations with Ethiopia must be informed by cooperation and love, not hatred and belligerence. His government is transitioning Egypt from throwing about threats to forging cooperation. Such an encouraging development, however, does not mean that animosity and mistrust have been rooted out. Some politicians and elites still spew out hatred and threats against Ethiopia. And a sizeable portion of the people of Egypt continues to distrust Ethiopia. Similarly, the Ethiopian public cannot be said to have a proper appreciation of the feelings and views of their Egyptian brethren.

Public Diplomacy

The practice of public diplomacy has largely been the domain of the rich and powerful states for the large part of its history. The United States, United Kingdom, France, Germany and Russia are known for their vast application of public diplomacy in complementing their foreign policy objectives. It is not only the practice, but also academic researches and literatures also largely focus on the experiences and practices of these same nations. Melissen notes that “the origins of contemporary public diplomacy, and the current debate on the need for more public diplomacy, are dominated by the US experience” (Melissen, 2005).

However, unprecedented development of communication technologies, global and instantaneous reach of satellite news broadcasts and a broader change in international relations have made it necessary for countries, rich or poor, big or small, to engage in public diplomacy to further enhance the effective

implementation of their foreign policy objectives. Melissen underlines that "both small and large countries, ranging in size from the United States to Belgium or even Liechtenstein, and with either democratic or authoritarian regimes, such as China and Singapore, and including the most affluent, such as Norway, and those that can be counted among the world's poorest nations, for example Ethiopia, have in recent years displayed a great interest in public diplomacy" (Melissen, 2005).

In light of the foregoing development, The Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia had adopted public diplomacy as an important tool for the attainment of its foreign policy objectives.

Why Public Diplomacy for Ethiopia and Egypt?

State-to-state relations have historically been conducted through designated state representatives. States conduct diplomacy to put across and establish understanding and support to their foreign policies. States follow a set of established practices and protocols dictated by international legal instruments like the Vienna Convention on Diplomatic Relations. Following the Congress of Westphalia in 1648, missions as in today's embassies were institutions mandated to conduct international business between sovereign states (Denza, 2008). Sole actors of international relations were sovereign states and the players for the conduct of state-to-state relations had mainly remained to be diplomats and designated state envoys (Melissen, 2005).

Following the end of World War II, a bipolar world was created along ideological lines of Socialist and Capitalist camp led by the Soviet Union and the United States respectively. Deep ideological confrontation between the two camps prompted both sides to explore ways of directly addressing each other's public. Public diplomacy practiced at this stage mainly used radio broadcasting (Radio Free Europe) and cultural diplomacy as a major tool to reach out to people in communist countries (Nelson & Izadi, 2009; Schnieder, 2005).

Times have passed since sheer military and economic powers were the main instruments of asserting one's point of view. In a world that is much more characterized by multiple international and local actors other than the state, persuasion and influence have become important tools of winning friendship and understanding of foreign publics (Fisher & Brockerhoff, 2008). Important developments of communication technology, advancements in satellite TV and internet as well as change in international relations that resulted on the proliferation of non-government actors were crucial factors in enhancing the need and importance of public diplomacy (Gilboa 2008; Evans and Stevens 2008).

In a context of multiple actors that play important roles in a way nations and their policies are perceived, it

becomes ever crucial for governments to explain themselves to others. Failure to explain and engage with these actors through public diplomacy would mean risking to be defined by others as they please (Taylor, 2010). The emergence of these new actors in the international arena have caused the creation of new structures of 'networks' that are in competition with the more traditionally established 'hierarchies' (Hocking, 2005). Heine comments on the changing of traditional diplomacy to a new form of diplomacy where what he terms as 'club model' of diplomacy has to be changed to include new multiple players calling for a new and less regimented 'network model' of diplomacy (Heine, 2006, p. p.4). public diplomacy is defined "as a government's process of communicating with foreign publics in an attempt to bring about understanding for its nation's ideas and ideals, its institutions and culture, as well as its national goals and current policies" (Tuch, 1990). Melissen defines public diplomacy as "the relationship between diplomats and the foreign publics with which they work" (Melissen, 2005). Other scholars broaden the actors practicing public diplomacy, to include not only diplomats but other non-state international actors and multilateral organizations such as the United Nations and NGOs. Nicholas Cull defines public diplomacy as "an international actor's attempt to manage the international environment through engagement with a foreign public" (Cull, 2007, p. p 12).

A common theme of the desire to influence others runs throughout the different definitions of public diplomacy shown above. The nature and goal of an activity to influence others, not only by governments but by many different actors, seems to constitute the core activity of a public diplomacy. This leads us to the conclusion that, despite narrower or broader definitions offered by governments or scholars alike, public diplomacy's concerns boils down to influencing and creating positive attitude and perceptions towards what you do.

The objective of public diplomacy of Ethiopian is to building trust and fraternal relations between the peoples' of Ethiopia and Egypt. It comprises prominent academicians, former Ambassadors, religious leaders, artists and other prominent personalities drawn from various sectors.

It is expected to that the visit of the Ethiopian Public Diplomacy to Egypt will have a vital role in strengthening people to people relations between the peoples of the two nations and conveying Ethiopians desire for mutual growth, strong bond and genuine cooperation to several Egyptian officials and religious leaders.

The visit of the delegation is timely as it would have a positive impact in building on the positive momentum between the leadership of the two countries exemplified in the resumption of the tripartite talk over the Grand Ethiopian Renaissance Dam (GERD) and other issues.

Indeed, the public diplomat is not a minor event rather a landmark. It is a culmination and a showcase of Ethiopia's commitment towards genuine regional cooperation in general and the efforts of the past three and half years.

Ethiopia had turned a leaf in her foreign policy in the past two decades. The Foreign Policy and National Security Strategy has redefined and re-evaluated her priorities. Identified the major threats to Ethiopia and indeed to its survival:

economic backwardness and the desperate poverty affecting a large majority of the population.

In particular, with regard to bilateral relations, the policy clearly stipulated that Ethiopia will pursue engagement with all other countries on the basis of the principle of mutual interest and respect. Relations with all neighbors over the last two decades have been a testament to the seriousness with which the country has adhered to these principles.

Importantly, Ethiopia believes that whatever differences countries may have, issues of common concern can only be addressed on the basis of constructive engagement, of dialogue and in a manner that allows for a win-win outcome for all.

Ethiopia's relationship with Egypt is one of the many bilateral relations that the government of Ethiopia has been working hard to develop along these principles. Ethiopia and Egypt, of course, have a long relationship, dating back several thousand years. Apart from the cultural and historical ties that have bound them together for centuries, both countries have been closely involved in the cause of African unity over the last five decades. Central to any relationship however has been the Nile river which has been the strong bond tying the two countries and their peoples together for millennia.

Ethiopia was determined that the Nile can and indeed should be a source of cooperation and mutually beneficial relations between Ethiopia and Egypt in a whole number of ways. This has not, however, always been the case. Indeed, the issue of the use of the Nile water has often been a major sticking point in the relationship, a major stumbling block to any sort of robust bilateral link that might have enhanced the interests of both countries.

One of the first and fundamental demonstrations of Ethiopia's effort towards cooperation was the Nile Basin Initiative and now the Nile Basin Cooperative Framework Agreement.

The Nile basin countries, except Eritrea and South Sudan, founded the Nile Basin Commission, later Nile Basin Initiative (NBI), in 1999, with funds from World Bank, aiming 'to establish a diplomatic protocol for evaluating the fair use of the river for agricultural and energy projects'. The Commission paved the way for the

drafting the 'Nile Basin Cooperative Framework Agreement (CFA), for the equitable sharing of the Nile waters.

The CFA was signed by six countries from May 2010 up to February 2011 (Ethiopia, Uganda, Rwanda, Tanzania, Kenya and Burundi). Ethiopian Parliament passed a law to ratify the CFA and make it part of the domestic law with a unanimous vote. There by establishing the first genuinely multilateral treaty regarding the Nile, stipulating for the equitable sharing and utilization of the waters.

Ethiopia attaches great importance to its relations with Egypt, over the Nile as in the area of security. It accepts that Egypt has legitimate interests in the use of the Nile River. Equally, it sincerely believes that the only way any controversy over the use of such a common resource can be settled is through dialogue and the principle of equitable utilization of the water, without causing significant harm to others.

Why Ethiopia's Public Diplomacy over Nile Works

When it comes to foreign relations, countries will always pursue their national interests. A different method has applicable to do this, including the use of soft power and hard power is indispensable to success.

In the information age, soft power, which is the ability to shape what others want and projecting a positive image, stands tall as a technique to help achieve foreign policy goals? Indeed, public diplomacy through the employment of soft power has helped countries communicate values and achieve foreign policy objectives.

In this regard, Ethiopia's public diplomacy has made great strides in making the Great Ethiopian Renaissance Dam (GERD) project an engine of national renewal and an emblem of regional economic integration. It is also a stellar example for the creation of green economies in the Horn of Africa and the Nile Basin.

Ethiopia's public diplomacy over the ongoing construction of the GERD project has delivered a clear signal that the dam's existence is only to help drive poverty eradication and regional integration, based on a win-win approach. It encourages equitable and reasonable utilisation of water resources and causes no significant harm to lower riparian nations. Furthermore, it engenders genuine cooperation amongst all basin countries. Ethiopia's principles in utilising the resources of the Nile River, including the construction of the GERD, speak of sustainable, inclusive, comprehensive and far-sighted development policies, rather than myopic definitions of developmental domestic and foreign policies.

Other basin countries, including Sudan, have subscribed to Ethiopia's construction of the GERD and are supportive of the project, so as to jointly embody

regional integration through the development of green, renewable hydropower trade. This glaring fact is quite telling that Ethiopia's GERD narrative has won in the hydro-diplomatic battle.

In fact, at the start of the construction project, the uproar engaging media personnel, politicians, diplomats, engineers, academicians and other analysts, portrayed the GERD as a death-knell to the Egyptian people. Ethiopia's struggle to reduce poverty through the development of renewable energy infrastructure projects, including the GERD, was seen as extremely provocative, as it was claimed it would cause water insecurity in Egypt.

These assertions revealed the unilateral and unsubstantiated Egyptian voices claiming exclusive utilisation of the Nile, while abandoning the concerns of other basin countries, which include poverty, water shortages, energy deficits and food insecurity. Fortunately, these assertions have not attracted much attention as they are self-serving and uncorroborated, and aim to encourage mistrust and rancor among the peoples and governments of Egypt, Ethiopia and Sudan, as well as other basin countries.

Ethiopia's public diplomacy has effectively and efficiently prevented campaigns that intended to discredit the dam through the provision of adequate information on its practical and tangible benefits to downstream countries, including: energy trade, the reduction of sedimentation, enhancement of regional and economic integration, regulated and increased flow of water, avoidance of evaporation losses and increased flood control. Ethiopian diplomats have persistently explained and detailed the report of the International Panel of Experts (IPoE), its recommendations, four successive Tripartite Water Ministers Meetings held in Khartoum, Sudan, over the implementation of the recommendations of the IPoE on the construction of the GERD, with a view to sowing the seeds of trust, mutual benefit and win-win results within basin country peoples.

This positive result has come with Ethiopia's astute employment of public diplomacy as a platform to create enabling trust, understanding and dialogue, with a view to tapping the opportunities and overcoming challenges. The praxis of Ethiopia's public diplomacy in the making of GERD is based on scientific findings and evidence rather than emotion and propaganda.

Institutional cooperation and the engagement of scholars and researchers with basin countries is one of the manifestations of Ethiopia's hydro-diplomacy. A three day symposium held last year in Khartoum, Sudan, organised by the University of Khartoum's Faculty of Engineering and Addis Ababa University's Institute of Water Resources, can be considered as the making of the Nile as a source of interdependence rather than tension and confrontation, based on evidence rather than myth.

Yet another symposium held last year in Sudan, organised by the Sudanese Engineering Association, embodied the dam's construction as the future development of Sudan, and concluded with a largely positive attitude towards it. The symposium outlined the benefits of the dam. These include the reduction of alluvial silt reaching Sudan, provision of water at a fixed and stable rate, reduction of soil erosion, and a supply of electricity at a much cheaper rate. Mohamed Akod Osman (Prof.), dean of the Faculty of Engineering at the University of Khartoum, specified that construction of the dam will bring a "stable rate" of water to the Nile throughout the year.

These, and other demonstrations of Ethiopia's cooperation with regard to water policy, have compelled basin countries, including Sudan, to cherish the GERD as a source of regional sustenance. Sudan's support to the construction of the dam have been borne of practical discussion, trust, evidence and tangible benefits from the recently completed Tekeze Hydropower project. This can be regarded as the fruit of making diplomacy public, that is, going beyond government-to-government ties to communal discuss interests with the people, scholars, analysts, consultants, engineers, strategists, students and media personnel of basin countries.

It is worth mentioning the works of the nation's public diplomacy in association with the Office of the National Council for the Coordination of Public Participation for the Construction of the GERD. It spearheaded the responsibility of the self-financing mission in raising funds locally and internationally. The country's extraordinary demonstration of public diplomacy made headways in bringing national consensus to making the dam a source of peace and development.

It has promoted the cooperative hydro-diplomacy in the basin and made all Ethiopians in the country and outside "the architects and financiers of the dam". It has also expedited environmental conservation and other re-greening programs over the Blue Nile Gorge to extend the life span of the dam and protect the ecosystem. It has also contributed to the advancement of scientific and research cooperative partnerships among the basin's universities, as well as elevated the motto "Abay for Unity." It has helped the Office in launching numerous fund-raising programs, including selling of bonds sales, savings and the setting up of a short message services (SMS) lottery, to mobilise the people.

Ethiopia has started an extensive journey of national renewal through the promotion of a cooperative foreign policy that defines the shared interests of the countries of the Greater Horn of Africa and North Eastern Africa. Public diplomacy is at the heart of this application of foreign policy objectives that promote comprehensive and forward-looking security architecture in all developmental activities of the region.

Despite the achievements gained so far, though, the

public diplomacy of the country has a long way to go. In the words of Professor Yacob Arsano there is “a legacy of net distrust between the upstream and downstream countries...[and entrench] equitable and reasonable utilisation and sustainable benefit sharing.” Beyond the construction of the GERD, the public diplomacy of the nation needs to scale up efforts to deepen the people-to-people, government-to-government, business-to-business ties, exchange of scholars and students, institutional cooperation and other ways, within the basin, to engender vibrant and all-rounded cooperation in various fields.

The upshots in institutional cooperation and people-to-people relations with Sudan need to be doubly cherished and expanded with other basin countries. It needs to engage Ethiopian Diasporas as bridges for the nation to access know-how, resources, expertise and markets. As Ethiopia is heading to the mutual development and common security praxis, other basin countries, most notably, Egypt, need to follow suit. It is a viable alternative to promote sincere dialogue with the aim of eroding mistrust and misgivings and seeking of common ground for the avoidance of differences and the ultimate human need to live in harmony.

The Egyptian People's Diplomatic Delegation

Ethiopia and Egypt have long and historical relations. Both are recognized internationally as being ancient and replete with history. And they have centuries-old religious ties through the Orthodox Christian and Islam religions. Above all, however, their tie largely revolves around the Nile. While this tie should have been positive and one of collaboration, it has been characterized by mistrust and misgiving.

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Following the toppling of the Islamist government of Mohammad Morsi the ascension to the current president, Abdel Fattah el-Sisi, has said that Egypt's relations with Ethiopia must be informed by cooperation and love, not hatred and belligerence. His government is transitioning Egypt from throwing about threats to forging cooperation.

Such an encouraging development, however, does not mean that animosity and mistrust have been rooted out. Some politicians and elites still spew out hatred and threats against Ethiopia. And a sizeable portion of the people of

Egypt continues to distrust Ethiopia. Similarly, the Ethiopian public cannot be said to have a proper appreciation of the feelings and views of their Egyptian brethren.

It's in cognizance of this stark truth that it was deemed that the customary diplomatic relations need to be complimented by a people-to-people diplomacy and the Ethiopian public diplomacy delegation was sent to Egypt.

The first and crucial step taken after the launch of the project was the reception of the Egyptian People's Diplomatic Delegation. In mid-2011, Egypt sent a 48 person delegation named “Egyptian People's Diplomatic Delegation”.

The delegation was headed by Moustafa El Gendy and comprised three presidential candidates, independent political activists, representatives of different political parties and movements, members of parliament, politicians, jurists, public figures, members of the academia, media representatives and members of the Youth Movement of the Egyptians Revolution former parliament members, community leaders, journalists from Egypt and other Arab countries and other public figures from Egypt.

The Public Diplomacy Delegation met with the late Prime Minister of Ethiopia Meles Zenawi and received the following pledge (as reported by Ahram Arabic in May/2011):

The Prime Minister stressed that he had seen several models of dams and that he was keen to choose the model that generates electricity only and does not remember running water in irrigation of agricultural land.

“I say to the Egyptians that this dam is beneficial to Egypt and the Sudan and will not hurt in any way. Yet, in order to reassure the Egyptian people and thereby eliminate all the doubts created by former regime of Egypt, I accept the formation of a committee of experts, consisting Ethiopians, Egyptians, Sudanese and other foreign experts, to examine the dam project and to make sure it will not cause any damage to Egypt and Sudan. Although I am sure of that, I sure you I am ready to modify the project if the Committee concludes to the contrary. “

Ethiopia gave Egypt time to elect a new government, though it was made it clear that the formation of the Experts Panel should not be taken a decision to stop or delay the dam.

The International Panel of Experts was established months later and started work, while Ethiopia continued building the dam 24 hours a day and seven days a week. It is to be recalled that the IPoE's Final Report reconfirmed that:

"The design and construction of the Grand Ethiopia Renaissance Dam has been properly based on international design criteria and standards, codes, guidelines and engineering practices. The Panel's report also showed that the GERDP will not have a significant impact on the downstream countries and that it will in fact, provide major benefits to all three countries.

The Panel did also recommend two further studies be carried out in the context of the Eastern Nile System. These were a water resource system/hydropower model and a trans-boundary environment and socio-economic impact study. It suggested these should be done through an agreed arrangement of the three countries, employing international consultants chosen through an international bidding process."

Even though, there has been reluctance at the beginning, Ethiopia patiently insisted on going ahead with the panel's report and eventually Egypt started talking about setting up a mechanism for following up on the implementation of the recommendations of the Experts' Panel.

The Outcome of public Diplomacy

Ethiopia and downstream countries especially Egypt and Sudan are necessarily participate in any concerns of Nile water. They all have agreed up on conflict is not the option any any disagreement especially on Nile basin.

Needless to say, it is naïve to expect centuries-old suspicion and anxiety to be allayed overnight. The biggest achievement of the public diplomacy is the softening of Egypt's age-old hostility towards Ethiopia and its willingness to engage in constructive dialogue.

The public diplomacy delegation however acknowledged that the mistaken views expressed by some among its ranks and the general public as well needed to be set right. That is why it is of the belief that Ethiopians must also abandon their mistrust and fear of Egypt and evince solidarity with their Egyptian compatriots.

For their part the Egyptians are beginning to show signs that it is in their interest to reach a shared understanding and take confidence building measures. This is an encouraging start which gives rise to optimism.

Aside from this accomplishment, the public diplomacy created an opportunity to draw lessons from Egypt about the benefits of think tanks and the imperative to translate Ethiopia's history and heritages into a reliable revenue stream.

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Full Length Research

The Right to Development under the RTD Declaration, African Charter on Human and People's Right and FDRE Constitution: A comparative study

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Accepted 13 November 2015

Despite different controversies accompanied to it, the right to development is recognized in different international, regional and national laws. Therefore, the basic theme of this research with a view to evaluate the United Nation Declaration on the Right to Development(UNDRD), the African Charter on Human and People Right(ACHPR) and the Ethiopian constitution(FDRE constitution) comparatively. The parameters for comparing the recognition of the right to development under these legal documents are basically the definition, content, and the right holders and duty bearers of this specific right. After assessing these legal documents, the paper concludes that though these documents have some similarities concerning the definition of development, the definition given by the FDRE constitution is broader, the definition given by ACHPR and UNDRD. Regarding the right holders, while UNDRD put individuals, people and states as beneficiaries, ACHPR put only peoples as the beneficiaries of the right to development. The FDRE constitution is different from the two instruments as it put the beneficiaries are nations, nationalities and peoples of Ethiopia. In terms of the duty bearers of the right to development three of these legal documents have similar stand in that they all put the state as the prime duty bearer.

key words: right to development, right holder ,duty bearer, content of the right to development, nature of the right to development, FDRE constitution, African Charter on Human and People's Right

Cite This Article As: Yeneabat D (2015). The Right to Development under the RTD Declaration, African Charter on Human and People's Right and FDRE Constitution: A comparative study. Inter. J. Polit. Sci. Develop. 3(11): 441-453

INTRODUCTION

The right to development is often termed a composite or metaright which encompasses civil and political, economic, social and cultural rights. It is among a 3rd generation (solidarity) right which is evolved recently. As far as it is a highly politicized agenda, it is the most contentious issues in the human right discourse both in

inter-governmental process and academic arenas. Therefore, Politicians and scholars battle on putting the exact definition, content and the right holders and duty bearers of the right development. The inter-governmental debate on the right to development is known as north - south debate. The developing countries (south) arguing

that the right to development must be far from charity, it has to base on entitlement. On other hand members of developed countries (north) want to associate the right to development with charity, humanism or a matter of foreign policy.

The debate on the right to development is not limited on inter-governmental level but it extends to academic debate. Some scholars argue to the extent, not only the legal right but also the moral right to development is a non-existent 'unicorn'.¹ Others argue that the right to development constitutes a fundamental and important part of the human rights paradigm. It is the precondition of liberty, progress, justice and creativity. It is the alpha and omega of human rights, the first and last human right, the beginning and the end, the means and the goal of human rights.² However, despite of such academic and political controversies across the world, this specific right has been a subject of various undertaking at the international, regional and domestic level.

This research a comparative study that assesses the recognition of the right to development in UN right to development declaration, African charter on human and people's right and the Constitution of the Federal Democratic Republic of Ethiopia (FDRE Constitution). The comparison parameters are the definition, content, and the right holders and duty bearers of the right to development under each of the instruments. The United Nations Declaration on the Right to Development, the African Charter on Human and Peoples Right and. This article is divided in to five parts including the first part that contains introduction. The second part examines definition and evolution of the right to development. while the third part focuses on the normative content of the right to development, the fourth one focuses on the implementation of the right to development by looking the duty bearers on the one hand and the right holders on the other hand and the final part provides concluding remarks.

Definition and Evolution of the Right to Development

Definition of the Right to Development

It was in 1972, the first definition of the right to development had been attempted by the Senegalese jurist called Keba M'baye. Keba M'baye in his lecture at the International institute of human rights in Strasbourg

¹ Donnelly, In search of the unicorn: The jurisprudence and politics of the right to development, California Western International Law Journal, 1985, p. 473

² Jaakko Kuosmanen, Eyes on the Unicorn: On the Nature of the Human Right to Development, Just World Institute Working Paper, University of Edinburgh, 2013, p. 2

asserted that:

To comprehend true development, the idea of 'a real improvement in living standards' must be taken into account; it is not a longer life for every person that matters but a better life. The civilization that is based on ever greater production and ever increasing consumption is, without a shadow of a doubt, as we are beginning to acknowledge it today, a civilization condemned to fatal contradictions and chaos.³

The other important and well recognized definition of the right to development was made up on the adoption of the declaration to the right development by the United Nations General Assembly in 1986 known as United Nations Declaration on the Right to Development (UNDRT). As per article 1 of the declaration, the Right to Development (RTD) is defined as:

The right to development is an inalienable human right by virtue of which every human person and all people are entitled to participate in and contribute to and enjoy economic and political development in which all human rights and fundamental freedoms can be fully materialized.⁴

According to Arjun Sengupta, the definition of the RTD in this declaration encompasses at least three crucial elements.⁵ First, the RTD is an inalienable part of human rights. Second, there is a particular process of economic, social, cultural and economic development in which all human rights and fundamental freedoms can be fully realized. Third, the RTD by virtue of which every human person and all peoples are entitled to participate and contribute to enjoy that particular process of development. Put differently, "the RTD refers to a process of development which leads to the realization of each human right and of all of them together and which has to be carried out in a manner known as rights-based, in accordance with the international human rights standards, as a participatory, non-discriminatory, accountable and transparent process with equity decision-making and sharing of the fruits of the process."⁶

Right to development was incorporated as one of the

³ Belachew M. The Politics Underpinning the Non-Realisation of the Right to Development, Mizan Law Review, Vol.5 No.2. December 2011, pp. 246-263 at p.252

⁴ The 1986 United Nations Declaration of the Right to Development Art 1

⁵ Arjun Sengupta, On the Theory and Practice of the Right to Development, Human Rights Quarterly, Johns Hopkins University Press, Vol. 24, 2002, pp. 837-889 at p. 846.

⁶ Ibid

basic rights in African Charter on Human and People's Right (ACHPR) when it was adopted in 1981. The Charter is the only legal binding regional instrument containing an express recognition of the RTD across the world. Right to development is considered as a uniquely African contribution to the international human right discourse so far as it puts obligatory standards that states cannot bargain away or negotiate. this charter, apart from recognizing the definition of the right to development in advanced way than the definition UNDRTD, it recognized this specific right as an independent and intrinsically linked to the enjoyment of other rights i.e. social, cultural, economic and civil rights.⁷

The FDRE Constitution also recognized the RTD as a fundamental democratic right under article 43.⁸ The constitution defines the RTD as a right which includes the right to improved living standards, the right to sustainable development and the right to participate in national development and, in particular, to be consulted with respect to policies and projects affecting their community. The detail constitutive elements of the right to development under the Declaration, ACHPR and FDRE constitution will be discussed more under section three.

The Evolution of the Right to Development

though the concept of the right to development has got much recognition after the conclusion of WWII, Its origin traced back to the Philadelphia Declaration on international labor conference which was held in 1944.⁹ For instance, Universal Declaration of Human Rights (UDHR) which is adopted in 1948 under article 28 recognized and proclaimed that RTD is an entitlement

⁷ ibid

⁸ Article 43 read as:

1. The Peoples of Ethiopia as a whole, and each Nation, Nationality and People [Emphasis added] in Ethiopia in particular have the right to improved living Standards and sustainable development.
2. National [Emphasis added] have the right to participate in national development and. in particular, to be consulted with respect to policies and Projects affecting their community.
3. All International agreements and relations concluded, established or conducted by the State shall protect and ensure Ethiopia's right to Sustainable development.
4. The basic aim of development activities shall be to enhance the capacity of Citizens [Emphasis added for development and to meet their basic needs.]

⁹ Nienke V. The Right To Development And State Responsibility Towards Idealism Without Realism (unpublished), p.5

"to a social and international order in which the rights and freedoms set forth in the declaration can be fully realized."¹⁰ Nevertheless, it doesn't mean that there was a clear and wide range of consensus on the ways how such entitlements have to be realized, though there was a clear stand on the importance of cooperative state action towards right to development.¹¹

The concept of the RTD started to be evolved as a separate right since 1960's due to the decolonization movements in which many African states gets their independence. As stated above, it was by Senegalese jurist Keba M'baye that the foundational base of RTD was articulated in 1972.¹² similarly, another well-known scholar named Raule Prebisch through the concept of dependency theory firmly argued that developed countries must support their former colonies whose poverty was emanated from their exploitive undertakings.¹³ This stand of Raule Prebisch was seriously taken by developing countries as a position in major international debates. Accordingly, they eagerly needed to restructure the global economic system through a New International Economic Order (NIEO)¹⁴ that continued as a serious bone of contention between developing and developed countries in the 1970's.¹⁵ This caused for the loss of more than two decades for the adoption of the declaration of the RTD. Thus, after many ups and downs for decades the declaration on the right to development adopted in 1986 by the UN General Assembly. During the adoption, from the member states of the United Nations 146 vote in favor, 8 abstentions and one against.¹⁶ The US was very critical to the matter and given its vote against the adoption of the declaration. This opposition of US was emanated from the ideology of Cold War in which US took everything which is different from its position as potential communist.¹⁷

The debate on the issue of the right to development not lasted in such a way, rather academicians were also part of the debate over the issue particularly regarding the concept of rights and obligations particularly in line with human rights perspectives.¹⁸ Legal positivists strongly argue that the issues of human right are specific and put clear obligation on the duty holders. Put in other words,

¹⁰ Universal Declaration of Human Rights, 10 December 1948, art 28.

¹¹ Supra note 3,p.5

¹² Khurshid I. The Declaration on the Right to Development and Implementation, Political Perspectives, Graduate Journal,vol.1,20007,p.4

¹³ Felix K, Towards the Implementation of the Right to Development, Fried Rich Ebert Stiftung,p.11

¹⁴ Supra note 3,p.4

¹⁵ ibid

¹⁶ ibid

¹⁷ Supra note 8

¹⁸ Supra note 7,p.5

human rights are those which are justifiable which only incorporates civil and political rights but does not incorporate social, economic and cultural rights particularly the right to development.¹⁹ On the other hand, other scholars who advocate a behavioral approach denies the necessity of justiceability for all human rights this accept that obligation encompasses a wide range of human right issues including the right to development.

As time goes on, the conception towards RTD became changed and the first agreement was reached at Vienna World Conference on Human Rights where 171 Heads of State anonymously adopted the Vienna Declaration and Programme of Action in 1993²⁰ where right to development was described as "integral part of fundamental human rights."²¹ However, it is plausible to remember that even before the acceptance of the RTD by the UN; it had been recognized in regional human rights charter specifically in African Charter.²² Most importantly, since the adoption of Vienna declaration, the reference to RTD are available in most of the crucial international human right instruments and major UN documents, including the Millennium Declaration, which states, "we all are committed to make the right to development a reality for everyone and to freeing the human race from want."²³ Further, different UN and other international organizations arranged and designed their programs in accordance to right based approach to development.

Content of the Right to Development

Though the consensus on the issue of right to development are becoming better from time to time, yet the precise meaning, content and status of the RTD are still contentious issues that are open to debate. For instance, the question in what respect the RTD add new right to the existing human right regime notably the right to self-determination, the right to political and other participation and economic, social and cultural rights remains controversial.²⁴ Some argue that the RTD is a

derivative right which did not added practical and legal value to the existing human right system.²⁵ The core norms and criteria's of the RTD were accommodated by the existing human right framework and human right bodies. On the other hand the prominent scholar Sengupta, argue that, the RTD formulated in the declaration adds something unique to the legal human rights paradigm.²⁶ He claims that the RTD is not simply an umbrella right rather it is more than the sum of the set of rights and duties. Sengupta further asserts that, an approach pursuing the realization of human rights through the right to development takes somehow more satisfactorily into consideration the interdependency of human rights than the approach focusing on these rights separately.²⁷ Sengupta's argument is taken as a valid in the sense that it brings the comprehensive development which aims to improve human and peoples well-being and unifies civil and political rights with economic, social and cultural rights. The recognition of the content of the right to development under the UNDRTD, African Charter and FDRE constitution comparatively.

The Content of the Right to Development under UNDRTD

Though, this declaration which is adopted in 1986 is a soft law which lacks binding effect on member states, it is a good beginning and puts profound importance on the progress of the RTD at the international level. The terms and clauses of the declaration were formulated in a vague and ambiguous way due to the result of serious compromises happened during the adoption of the declaration. Thus, it creates intergovernmental and academic debate on the specific content of the right. Though the contents of the RTD under this declaration are divergent and still controversial, the following elements can be taken as common provided that these elements are not exhaustive.

A. Comprehensive Development

The right to development puts human person at the center of the development process.²⁸ The declaration

¹⁹ *ibid*

²⁰ *Supra* note 9, p.11

²¹ Vienna Declaration and Program of Action para.10: the world conference on human rights reaffirms the right to development, as established in the declaration on the right to development, as a universal and inalienable right and an integral part of human rights.

²² *Supra* note 9, p.11

²³ Laure-Hélène P, The Right to Development, A Review of the Current State of the Debate for the Department for International Development(unpublished),2002,p.9

²⁴ Asbjorn Eide et al, Economic, Social and Cultural Rights (A Textbook), 2nd ed. MARTINUS NIJHOFF PUBLISHERS, The Hague, The Netherlands, 2001, pp. 126

²⁵ Arne Vandenbogaerde. The Right to Development in International Human Rights Law: A Call for Its Dissolution, Netherlands Quarterly of Human Rights, Vol. 31 No. 2, (2013), p. 187-209

²⁶ Arjun Sengupta, The Right to Development - Report of the Independent Expert on the Right to Development, UN Doc E/CN.4/2000/WG.18/CRP.1 Para22 (sept.2000).

²⁷ *Ibid*

²⁸ Paragraph 5, 13, art 2(1), of the preamble of the declaration provides that "the human person is the central subject of the

aims to improve the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and fair distribution of the resulting benefits. The declaration defined development as a comprehensive and multi-faced process with social, cultural, political and economic development.²⁹ In other words, the declaration recognized development as a comprehensive process that goes beyond economics and covers social, cultural and political fields to achieve the continuous improvement of the well-being of the entire population and of all individuals.³⁰

B. Respect for All Human Rights

The declaration recognized the RTD as development process that must respect all fundamental rights and freedoms. This process should have designed to help the realization of all fundamental rights and freedoms for all. Based on the declaration the right to development recognized as a human right, which integrated economic, social, and cultural rights with civil and political rights in the manner that was envisaged at the beginning of the post-World War II human rights movement.³¹ In other precise words, the right to development is the measure of respect of all other rights.

C. Participation

The declaration put as active, free and meaningful participation is the cornerstone of development process.³² The right to participation ensures that no one is left out on any ground and whatsoever in the involvement of development process and enjoying the fruit of development.³³ This right highlights the prohibition of any

development process and that development policy should therefore make the human being the main participant and beneficiary of development.”

²⁹ Paragraph 2 of the preamble of the declaration offers development as a comprehensive economic, social, cultural and political process, which aims 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 benefits resulting there from.

³⁰supra note 4,Article 2(3)

³¹ Supra note 5 p. 841

³² supra note 4, Article 2(3)

³³ The Declaration refers to the 'active, free and meaningful participation in development' of all individuals (second preambular paragraph and Article 2(3)); the right of individuals and peoples 'to participate in, contribute to, and enjoy' development (Article 1(1)); the human person as an 'active

discrimination and draw attention the need for transparency and accountability in the development process. It underscores the involvement of beneficiaries at all stage (formulation, implementation, monitoring and evaluation of development policies). Moreover, the right pinpoints youths, women, indigenous peoples, minority groups and other vulnerable groups must participate in their development endeavors.

D. Social Justice

The RTD requires that the development process should promote social justice, specifically the fair distribution of benefits of development and equality of opportunity for all in accesses to basic resources and services and the eradication of all social injustice.³⁴ The concept of social justice contains two bundles of rights that basically include the right to equal opportunity and access to resources and the right to fair distribution of the benefits of development. These aspects of the right to development relate, of course, to the concepts of non-discrimination and equality and the whole range of protection of economic and social rights.³⁵

E. Self-Determination

The DRTD establishes that development “implies the full realization of the right of peoples to self-determination.”³⁶ The provisions on self-determination have been interpreted not just to refer to a reaffirmation of the independence and equality of nations, but so as to strengthen the rights of persons belonging to minorities and indigenous groups to determine for themselves the processes and forms of development that are appropriate for their cultures and circumstances.³⁷ Self-Determination at this juncture refers to; minorities and indigenous must enjoy the right to participate in the design and implementation of a genuine sustainable development

participant and beneficiary' of the right to development (Article 2(1)); the need to ensure that 'women have an active role in the development process' (Article 8(1)); and the need for states to 'encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights' (Article 8(2)).

³⁴supra note 4,Article 2(3)and 8(1)

³⁵ Supra note 25 p. 128

³⁶ supra note 4, Article 1(2)

³⁷ Art. 5 states that, as precondition for the RTD, “States shall take resolute steps to eliminate the massive and flagrant violations of the human rights of peoples and human beings affected by situations such as those resulting from ... refusal to recognize the fundamental rights of peoples to self-determination”.

policy.³⁸

3.2 Content of the Right to Development in African Charter on Human and People's Right

The preamble of the charter highlights the special emphasis given to RTD by stating that it is:- Essential to pay a particular attention to the right to development and that civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights.³⁹ Moreover, though it is in a general manner, this specific provision spells out the normative basis of the RTD. This generality makes formulation of the specific content of the right problematic. Where vagueness and ambiguity in the provisions of the charter happened the African commission on Human and Peoples Right has a mandate to provide authoritative interpretation. Art 61 and 62 of the African charter empowers the commission to interpret the charter by reference to other international and regional human right jurisprudences. Further, due to the existence of implied right theory in the African human right system the commission can also interpret elements of one right by referring another right. it is because of this reason that the African Commission on Human and Peoples' Rights (African Commission), in its landmark decision of the *Ogoniland* case⁴⁰ stated that the right to food implicitly incorporated in the right to development. Moreover, the commission further elaborates the content of the RTD in *Endorois* case.⁴¹ The Commission also emphasized the *constitutive* and *instrumental* role of the right to development serving both as a means and an end to achieving other fundamental freedoms.⁴² The Improvement of the well-being of the entire population and of all individuals is the end or goal of development, and the means of development have to be fair and participative.

As to the interpretation of the commission, the right to development has procedural as well as substantive

elements. The violation of either the procedural or substantive elements of the right to development will be a violation of article 22 of the African Charter. The commission declares that the right to be consulted and the right to participation in development process are key components of the RTD.⁴³ In its decision the commission acknowledges five elements (normative content) of the RTD. These are, the development process must be equitable, non-discriminatory, participatory,⁴⁴ accountable and transparent, with equity and choice as important and main themes in the right to development.

The decision provided by the African commission indicates the similarity of elements of the right to development in the African charter and the UNDRTD. In both instruments the right to development contains specific elements of respect for all human rights, the right to free, active and meaningful participation, attainment of social justice and self-determination. Article 22 of the charter and the decision of the African Commission does not mention political development as one element of the right to development. Thus, it is possible to conclude that African human right system is more limited in scope, as it does not mention political development separately.

The Content of the RTD in FDRE constitution

Like all other human rights, the implementation of the RTD requires first and foremost its domestication to the

⁴³ Ibid paragraph 280 – 295

⁴⁴ In Africa in addition to Charter and the African commission interpretation on the RTD in *Endorois* case there is African Charter for Popular Participation in Development and Transformation (Arusha 1990). Paragraph 8 of this charter puts popular participation at the center of development process. Its states that 'the heart of Africa's development objectives must lie the ultimate and overriding goal of human-centered development that ensures the overall well-being of the people through sustained improvement in their living standards and the full and effective participation of the people in charting their development policies, programmes and processes and contributing to their realization. African countries must realize that, more than ever before, their greatest resource is their people and that it is through their active and full participation that Africa can surmount the difficulties that lie ahead. Moreover paragraph 10 of the Charter offers popular participation is both a means and an end. As an instrument of development, popular participation provides the driving force for collective commitment for the determination of people-based development processes and willingness by the people to undertake sacrifices and expend their social energies for its execution. As an end in itself, popular participation is the fundamental right of the people to fully and effectively participate in the determination of the decisions which affect their lives at all levels and at all times.

³⁸ Michele Radin, "The Right to Development as a Mechanism for Group Autonomy: Protection of Tibetan Cultural Rights", Washington Law Review, 1993. Pp. 15

³⁹ Paragraph 7 of the preamble of the African charter

⁴⁰ Available at <http://www.righttoenvironment.org/ip/uploads/downloads/OgoniCaseProf.Coomans.pdf>

⁴¹ Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v Kenya - 276 / 2003

⁴² Paragraph 277 of *Endorois* Case decided in Banjul, The Gambia at the 46th Ordinary Session of the African Commission on Human and Peoples' Rights held from 11 – 25 November 2009

national level. Based on this line of understanding RTD is enshrined under the FDRE constitution under art 43 of the constitution in a way that provides the normative content of the right in the Ethiopian legal framework. The right to improve living standard, the right to sustainable development and the right to participation in national development are guaranteed in the constitution.

1) The Right to Sustainable Development

Despite its importance, the concept of sustainable development isn't yet clearly defined in the FDRE constitution. The notion of sustainable development was predominantly the result of Rio Declaration on Environment and Development. Though the concept is difficult to define, it is good to use the definition forwarded by *Gro Harlem Brundtland*. He defines the concept as "Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs."⁴⁵ Further, sustainable development contains three interdependent and mutually reinforcing pillars; economic development, social development and environmental protection.⁴⁶

Sustainable development contains both substantive and procedural elements. The substantive elements are sustainable utilization of natural resource, the integration of environmental protection and economic development, the right to development, the pursuit of equitable allocation of resources both with the present and future generations (intra and inter-generational equity), and the internalization of environmental costs through the application of the 'polluter pays' principle.⁴⁷

⁴⁵ In 1987, the United Nations World Commission on Environment and Development released the report *Our Common Future*, now commonly named the '*Brundtland Report*' after the commission's chairperson, the then Prime Minister of Norway *Gro Harlem Brundtland*. Chapter two of the report included what is now one of the most widely recognized definitions: "Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs." The *Brundtland Report* goes on to say that sustainable development also contains within it two key concepts. These are "the concept of 'needs', in particular the essential needs of the world's poor, to which overriding priority should be given; and the idea of limitations imposed by the state of technology and social organization on the environment's ability to meet present and future needs."

⁴⁶ Ibid

⁴⁷ Principle 3-8 and 16 of the Rio Declaration on Environment and Development (United Nations Conference on Environment & Development Rio de Janeiro, Brazil, 3 to 14 June 1992 AGENDA 21

So we can interpret the right to sustainable development recognized under the FDRE constitution includes the right to sustainable utilization of natural resource, the integration of environmental protection and economic development programs, the right to development which is the right of rights, the pursuit of equitable allocation of resources both with the present and future generations (intra and inter-generational equity).

2) The Right to Improve Living Standard

In a similar fashion with sustainable development, the right to improving living standard is not defined under the FDRE constitution. The standard of living is the level of wealth, comfort, material goods and necessities available to certain socio-economic class in a certain geographic area.⁴⁸ The standard of living encompasses factors such as income, class disparity, poverty rate, quality and availability of employment, quality and affordability of housing, etc...

The standard of living is closely related to the quality of life that includes material and intangible aspects of human life.⁴⁹ Improving standard of living resulted in enhancing the general wellbeing of mankind which is the central them of the RTD. This right enables mankind to live the life they want to live. The constitution guarantees to the Ethiopian nations, nationalities and peoples the right to development which encompasses the right to improve life standard as one element.

3) The Right to Participation and to be Consulted

On top of the above rights, "the right to participate in national development" and "the right to be consulted with respect to policies" are one of the issues to be discussed as elements of the RTD under article 43(2) of the FDRE Constitution. In this regard, the principle of participation according to which all beneficiaries and agents involved with implementation of the RTD are entitled to participate in, contribute to, and enjoy the result of the process of development.

The writer believes that participation plays a pivotal role in the implementation of the RTD. Hence, it can be considered as one essential element of the RTD. From this stand point, the inclusion of this concept in the FDRE Constitution reflects expression of sovereignty of the people and that the form, quality, democratic nature and effectiveness of participatory process, mechanisms and institutions are the central

⁴⁸ Available at <http://www.investopedia.com/terms/s/standard-of-living.asp#ixzz1VUli2yEI>

⁴⁹ Ibid

and essential indicators of progress for the realization of the RTD in the Ethiopian context as well. so far as popular participation enhances the productive capacity of the people, considering it as an indispensable input in the realization of the RTD is not doubtful.

The stand of the FDRE constitution is a little bit different from the African charter and UNDRTD. In this constitution the RTD consists of the right to sustainable development which includes a number of rights including the RTD itself, the right to improve living standard of the people and the right to participation. Moreover, the constitution broadens the RTD to incorporate the right to improve the living standard that includes the enjoyment of civil, political, economic, social and cultural rights. Therefore, it not wrong to argue that the scope of the RTD recognized in the FDRE constitution is broad than the African charter and UNDRTD.

However, unlike the UNDRTD, the FDRE constitution did not expressly incorporated the right to self-determination as an element of the right to development. This right is provided as a separate right to the Ethiopian nation nationalities and peoples.⁵⁰ Nevertheless, as the FDRE constitution stands now, one can still argue that the Ethiopian nation, nationalities and peoples have the right to self-determination in their development process.

4. Duty Bearers and Beneficiaries of RTD

Implementation of human right requires identifying who is the duty bearer and who is beneficiary or the right holder of the right to development though categorizing these issues is not an easy task. In addition to Philosophical debates on the foundational basis, there are also legal debates surrounding the content and correspond right holder and duty bearer of the RTD. For instance, to what degree it is a positive right? Who are the right holders? Who are the correlative duty bearers (nationally and internationally)? What is the stringency of the correlative duties? in this regard, while Some argue that putting specific agent responsible for the violation/implementation of the right to development is very difficult ,others oppose this argument and avow that it is possible to specify both duty bearer and holder of the right.⁵¹ Despite such controversies, there is some consensus regarding some contents and right-duty correspondence of the RTD all over the world. Thus, the following part deals about the right holders and duty bearer of the right to development under UNDRTD, ACHPR and the FDRE Constitution comparatively.

Right Holders and Duty Bearers of the RTD under UNDRTD

The duty bearers of RTD

According to the Declaration, the “primary responsibility for the creation of national and international conditions favorable to the realization of the RTD” lies with states.⁵² The declaration contains an internal and external dimension regarding the right to development by making the distinction between states acting at the national level and states acting at international level.

States acting nationally have certain obligations towards people within their jurisdiction to facilitate and manage the process of development described in the Declaration. Further, the declaration provides the vital role of international cooperation among the states in compliance to the UN Charter. In other words, the duty to formulate appropriate policies for the RTD is not limited in the states boundaries, it has transcends effect. The other duty bearer under the RTD declaration is global institutions. Duty bearers of the right to development under the declaration are discussed as follows.

A. State at National Level

States acting nationally should undertake “all necessary measures for the realization of the RTD” including the formulation of “appropriate national development policies” and ensuring “equality of opportunity for all in their access to [...] resources” and distribution of the benefits.⁵³ State should encourage popular participation in all spheres and required to take steps “to eliminate obstacles to development resulting from failure to observe civil and political rights as well as economic, social, and cultural rights.”⁵⁴ The declaration also stress that the right to development could be enhanced by adoption and implementation of policy, legislation and other measures at the national and international levels.⁵⁵ Further, the state must adopt development strategies, approaches and programmes informed by the interest and aspiration of the people; which integrate values and economic, social, cultural, political and environmental realities. Moreover, Art. 2(3) of the declaration provides that the state has the right and duty to formulate appropriate national developmental 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 there from.

⁵⁰ FDRE constitution, Article 39

⁵¹ Supra Note 5 p. 857

⁵² supra note 4, preamble and Article 3(1)

⁵³ Ibid art 2 and 8.

⁵⁴ supra note 4, Article 8&6

⁵⁵ Ibid

B. State at the International Level

Obligations of states acting internationally correspond with the RTD's external dimension. With respect to this, the Declaration is forthright in emphasizing the crucial importance of international cooperation or contribution of global development partnerships towards the realization of the RTD. Article 3, paragraph 3 of the declaration, stated that, states have the duty "to cooperate with each other in ensuring development and eliminating obstacles to development" and should fulfill their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence and mutual interest. This is reiterated in Article 6, which states, "all States should cooperate with a view to promoting, encouraging and strengthening universal respect for and observance of all human rights and fundamental freedoms."⁵⁶

Furthermore, the declaration stated that states have the duty, individually and collectively, to formulate international development policies to facilitate the realization of the right to development.⁵⁷ It recognizes that sustained action is required to promote rapid development of developing countries and that as a complement to their development endeavors. Effective international cooperation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development. When we see the obligation to cooperate under the RTD is based upon Article 4 of the Declaration in conjunction with the preamble, which in turn refers to the obligation to cooperate as included in the UN Charter.⁵⁸ It entails, among other things, that states must cooperate in an effective manner in formulating international development policies, complementing the efforts of developing states as well as actualizing equitable economic relations and a favorable economic environment at the international level.

⁵⁶ *supra* note 4, Article 6

⁵⁷ *ibid*, Article 4(1)

⁵⁸ UN Charter art.1(3), art 55: "(...) the United Nations shall promote: 1. higher standards of living, full employment, and conditions of economic and social progress and development; 2. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and 3. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."; and art 56: "All Members pledge themselves to take joint and Separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55."

C. International Organizations

Although not literally advanced by the Declaration, the external dimension of the obligation is considered to include forms of cooperation in the framework of International Organizations (IOs). However, to what extent these obligations can actually bind IOs and how international organizations which are not party to international human rights instruments can be held responsible for the realization of human rights as such is far from clear.⁵⁹ Regarding the international human right instruments concerning this specific issue, UDHR is the first instrument which lays such duty on the international organization. According to the declaration not only everyone is entitled to an adequate standard of living for himself and his family;⁶⁰ but also he is entitled to an international order in which his rights can be fully realized.⁶¹ These provisions compel international order makers to ensure their actions are conducive to the realization of human rights specifically in determination of development policies and the creation of development condition for states. International Financial Institutions (IFIs), in particular the World Bank (WB), International Monetary Fund (IMF), and World Trade Organization (WTO), as key international development actors, have a role to play in the realization of the RTD. The organizations have amoral obligation to respect human rights; they have a negative duty not to harm the poor.

The Right Holders of RTD under UNDRTD

A. Individuals

This corresponds with the internal dimension of the RTD. The right correlate to the obligations of states owed towards their own people. It fits the prevailing view that a state has the primary responsibility for the realization of human rights on its territory. The UNDRTD states that the right to development is an inalienable right by virtue of which every human person and all peoples are entitled to participate in.⁶² The individual nature of the right is highlighted under the concept of "all individuals." UNDRTD made human person as the central subject of the right to development. The right under the declaration includes right to participate in the process of development and the right to an equal share of the benefits.

⁵⁹ Nienke Vander Have, *Towards Idealism without a sense of Realizing* p.11

⁶⁰ UDHR, Article, 25

⁶¹ *Ibid*, Article 28

⁶² *supra* note 4, Article 1(1) and 2(3)

B. People

As previously stated, the RTD also has a clear collective dimension and contains many rights which have collective nature. Though UNDRTD has made reference to people's right, to whom the term 'people' refers in the context of the RTD is far from clear. This was actually among the controversial issues on the preparatory steps of UNDRTD. Even today, there is no well-developed jurisprudence under the international level as to the exact meaning of people. Some refers territorial interpretation of a people as referring to a state's population. But this type of interpretation has encountered a great deal of resistance. However, the most accepted interpretation is currently seems to lean towards seeing them as groups that do not cover the entire population of a state.⁶³ In this regard, the Working Group on the RTD has also listed groups, presumably meaning minorities, as beneficiaries. Moreover, from the context of the article we can understand that which all peoples are entitled to participate indicates the RTD is a process aiming at the constant development of the collectives, communities or groups. However, it would not be wrong to argue that it is not a problem whether the RTD is collective or individual right; the right to development must be understood as the right of human race in general.

C. The State

States usually are duty bearers of human right. Human rights are seen as inherent to human beings and not to states. This outlook is manifested at the Global Consultation on the RTD held in 1990. Serious objections were made to the idea of recognizing states as the beneficiaries of the RTD.⁶⁴ Despite such controversies, state is the right holder under the DRTD. Though the declaration does not explicitly mentioned state as subject to RTD, it could be inferred from the external dimension in which states are obliged to cooperate and assist each other. The provision could also be interpreted further that, the state has right to claim them against the international community at large. According to some writers the RTD is the collective right of developing countries to the establishment of a new international economic order and underscores the role of international cooperation for its realization.⁶⁵ Here one may ask a question, since a state is not human how can a state claims human right? In this regard Sengupta has noted that, there may be a slight nuance between the role

of a rights-holder and the beneficiary of a right.⁶⁶ Even though, a collectivity, such as a state, is acknowledged as a rights-holder for the purpose of asserting a certain right on behalf of its constituents, and still individuals may be the ultimate beneficiaries.⁶⁷

The Right Holders and Duty Bearers of the RTD under the ACHPR

Duty Bearers of the RTD under the ACHPR

The ACHPR like that of the UNDRTD puts the state the primary duty bearer of the right to development. Article 22(2) of the ACHPR provides for the duty of states, 'individually or collectively', to ensure the exercise of the right to development. The charter is intended to create legal rights and duties to state parties to the ACHPR. African charter like that of UNDRTD incorporates two dimension of RTD. The duty of state to ensure exercise of right to development individually refers to the internal dimension of RTD. In this regard, state parties to the charter are duty bound to take all necessary measures for the exercise or realization of the right to development at national level. In the *Endorois* case the African Commission, while explaining the content of RTD impliedly mentioned what would be the duties of the state. According to the case, government is duty bound to avoid discrimination and should be accountable and transparent.⁶⁸ Above all, the commission explains the threshold of people's participation needed in development endeavors. In this respect, prior informed consent is the minimum standard to be achieved by states before undertaking any development endeavors in indigenous peoples' communities. The African Commission declared as "The State has a duty to actively consult with the said community according to their customs and traditions. This duty requires the State to both accept and disseminate information, and entails constant communication between the parties"⁶⁹

Moreover, the African Charter for Popular Participation in Development provides that African Governments must adopt development strategies, approaches and programmes, the content and parameters of which are in line with the interest and aspirations of the people and which incorporate, rather than alienate, African values and economic, social, cultural, political and environmental

⁶³ Supra note 61, p.13

⁶⁴ Id

⁶⁵ Supra note 2, p. 11 &12

⁶⁶ Supra note 61, p. 13-14

⁶⁷ Id

⁶⁸ Serges Alain, *The Right to Development in the African Human Rights System: The Endorois case*, Centre for Human Rights, University of Pretoria, 2011 pg. 390

⁶⁹ Ibid

realities.⁷⁰

On the other hand, like UNDRTD the African charter recognizes the external dimension of RTD. The external dimension of the right is highlighted under the concept “collectively.” The African charter gives emphasis to the important role of cooperation to achieve development. The charter obliges members to cooperate each other in ensuring development and eliminating obstacles to development.

The Right Holders/Beneficiaries of the RTD under ACHPR

Article 22 provides that “all peoples” shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.” As it is clear from the provision of the charter the beneficiaries of the RTD are peoples. The charter explains the threshold of people’s participation needed in development endeavors and emphasizes on the realization of human rights as subscribed to the ACHPR. Unlike the UNDRTD the ACHPR does not explain individuals as beneficiary of the right to development. The ACHPR simply mentioned peoples as beneficiary of the right. Here one may ask question what does the word ‘peoples’ refers to, in this regard the African commission has passed different land marking cases. The *Endorois* case is one among which defines the concept of “peoples,” clarifies the beneficiaries of the RTD.

According to the decision of the African Commission:

The Endorois are an indigenous community and that they fulfill the criterion of “distinctiveness.” The African commission view that Endorois consider themselves to be a distinct people, sharing a common history, culture and religion...is satisfied that the Endorois are a “people”, a status that entitles them to benefit from provisions of the African Charter that protect collective rights... [T]he alleged violations of the African Charter are those that go to the heart of indigenous rights - the right to preserve one’s identity through identification with ancestral lands.⁷¹

Other jurisprudence also suggest the term people has five way of understanding; (1) subject to colonialism or alien domination (2) the population of the county as a whole (3) the African people in general (4) in some

sense refers to the state as custodian of peoples right (5) to distinct people, various culture, ethnic, linguistic and other.⁷² Generally, the term people under the African charter refer to the collective nature of the right.

Like that of UNDRTD State is a beneficiary of RTD under the ACHPR. As it has stated above the African charter obliges members to cooperate each other in ensuring development and eliminating obstacles to development. This duty to formulate regional development policies to facilitate the realization of the right to development collectively implies state is also the beneficiary of this right.

The Right Holders and Duty Bearers of the RTD in FDRE Constitution

Duty Bearers of the RTD under the FDRE Constitution

Similar to the ACHPR and UNDRTD under the FDRE constitution the state is duty bound to ensure the Right to development. The constitution obliges all federal and regional legislative, executive and judicial organs at all levels to take responsibility and duty to respect and enforce the provisions related human and democratic rights enshrined under the constitution.⁷³ In addition to the provision dealing with the right to development, the constitution set socio-economic principles and objectives whereby all policies formulation and adoption are guided.⁷⁴ The constitution provides government at all level and at any time to promote the participation of the people in the formulation and implementation of national development policies and programs. Article 89 of the constitution illustrates that the government has the duty to hold, on behalf of the people, land and other natural resources and to deploy them for their common benefit and development. The government shall at all times promote the participation of the people in the formulation of national development policies and programmes. The participatory approach to sustainable development emphasized as one of the economic objectives where the government has a duty to support the initiatives of the people in their development endeavors.⁷⁵ From the right to sustainable development, it is possible to adduce that the government and citizens have the duty not to damage the

⁷⁰ African Charter for Popular Participation in Development and Transformation, Arusha (ARUSHA 1990) page.10

⁷¹ Supra note 17, p.389

⁷² Mizanye Abate, Comparative Regional Human right system, Lecture delivered at the School of Law, Bahir Dar University, November, 2013

⁷³ FDRE constitution, Article 13(1)

⁷⁴ Ibid, Article, 85-92

⁷⁵ Ibid, Article 89(6)

environment and to ensure inter-generational equity. Moreover, the FDRE constitution imposes an obligation on the government and citizens to protect the environment.⁷⁶ To sum up, in the FDRE constitution duty bear of RTD, unlike the ACHPR and UNDRTD is limited in scope. It imposes a duty on the state and its citizens at the domestic level or does not lay any duty to the international community.

Right Holders of the RTD under the FDRE Constitution

As is has been previously stated the RTD in the FDRE constitution incorporated as fundamental democratic human rights. Article 43 of the constitution use terms like; "Nation Nationality and People," "Nationals" and "Citizens" to express the beneficiaries of the RTD. Moreover, this specific constitution Nations, Nationalities, least advantaged groups in economic and social development,⁷⁷ Peoples⁷⁸ and women⁷⁹ are among the beneficiaries of this right though provision does not consistently mention the beneficiaries of the RTD. though, by inference from provisions it is possible to argue that the provisions the beneficiaries of RTD in FDRE constitution are wide in scope, the constitution is more specific than the ACPHR and UNDRTD in mentioning the beneficiaries of RTD. Moreover unlike the UNDRTD the beneficiaries under the constitution are groups or collective but not individuals.

CONCLUSION

Though the origin of the RTD was trace back to the Philadelphia declaration, the right to development as separate human right was propagated by Keba M'baye in 1992. Nine years latter this right was incorporated in the African charter. Five years after the charter the RTD was incorporated in the UNDRTD. Further, nine years latter this right was incorporated in the FDRE constitution.

The definition of the RTD provides in these instruments are similar, though they define the concept in different perspectives. Likewise, the definition the content of the right in all these instruments is more or less similar. However, in terms of scope the FDRE constitution seems a little bit broader and the African charter narrower. In the former the right to sustainable development includes the right development as one element where as in the latter political development was not recognized separately.

In relation to the right holder and duty bearer, the

UNDRTD makes the state at the center of duty bearer at the national level and international level. Further, based on cosmopolitanism philosophy we can argue that, the international organizations are also the duty bearer of the RTD. The beneficiaries of the RTD in the declaration are individual as well as peoples. Nevertheless, the state is also perceived as a beneficiary of the right when it acts on behalf of its people. In AFCPHR in similar fashion state at national level is the primary duty bearer. The paper also shows state at regional level is responsible collectively to achieve the realization of RTD. Regarding beneficiaries of this right the charter makes peoples as ultimate beneficiaries of this right. There is no room for individuals to hold this right. Lastly, in FDRE constitution government is the only duty bearer and as regarding to the right holders of the RTD, the constitution illustrates different categories of peoples as beneficiaries of this right. This includes nationals, citizens, nationalities, nations and peoples.

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Full Length Research

UNO AS A SAVIOUR OF HUMAN RIGHTS

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Accepted 15 November 2015

Know Your Human Rights- The simple message from the UNs is addressed to the citizens of all countries because all human beings are same for all, regardless of race, colour, sex, language and religion. The UNO has described the human rights as those rights which are inherent in our nature and without which we cannot live as human beings. To speak of human rights requires a conception of for Human Rights and human dignity is the foundation of freedom, justice and peace in the world. Its protection and promotion has been a primary concern for United Nations Organization (UNO) since its inception in 1945. Human rights are the core of UN's identity. The entire UNO's intergovernmental bodies like General Assembly, Security Council, Economic and Social Council, Commission. They also investigate allegations of its violations & handles communications related to them. In this Paper, I would also like to highlight certain extra-conventional mechanisms like UN Special rapporteurs, representatives, experts & working groups that have been set up in order to monitor compliance with the various international human rights mechanism. Lastly in this Paper, I would try to highlight the efforts of UNO in areas like to train criminal justice personnel through its various seminars, courses, workshops, fellowships etc. Last, but not the least the role of respective UN General Secretaries may not be ignored in the realm of human rights. Hence, in this Paper I would focus over the efforts of UNO's mechanisms for sustaining the credibility of Human Rights globally. The UNO helps to unmask bigotry and defend the rights of the weak and the voiceless.

Key Words: Preamble, Intergovernmental bodies, OHCHR, HRC, etc.

Cite This Article As: Sinha R (2015). UNO AS A SAVIOUR OF HUMAN RIGHTS. Inter. J. Polit. Sci. Develop. 3(11): 454-460

INTRODUCTION

To speak of human rights requires a conception of which rights one possess by virtue of being human. Of course, we are not speaking here of human rights in the self-evident sense that those who have them are human but in the sense that in order to have them, one need only be human. Human rights have been identified as those rights which are important, moral and universal⁵. Any civilized nation or body like the UNO must recognize them. In fact, it is not a modern innovation. It is heir to all the great historical movements for human freedom to the

enduring elements in the tradition of natural law and natural rights and in the world's great religion and philosophies and also in the findings of contemporary science about inter-relations of simple respect for human dignity⁶ and other individual and community values. The root cause for human rights may be traced to religion, humanitarian traditions and to the increasing struggle for freedom and equality in all parts of the world. The first major grant of such rights by a ruler was "Magna Carta" signed willy-nilly by King John of England at Runnymede

in 1215 A.D. But the demand for more and more rights in favour of the people as against the ruler was carried on by leaders-secular as well as ecclesiastical all over the civilized world. After about 600 years of Magna Carta, it was a mighty and triumphant leap-forward of human rights. The French Revolution of 1789 also made certain contributions to it.

The modern human rights jurisprudence can be called as Post World War II⁷ (1945 onwards) phenomenon. The monstrous violation of the human rights during that period and the belief that some of these human rights violations could have been prevented if there had been some effective international system for the protection of human rights. The brutal act done by Hitler (German Dictator) against the Jews (Genocide i.e. the systematic killing of people because of their race and ethnicity) or the dropping of Atom Bombs over the Japanese cities (Hiroshima and Nagasaki on August 1945) by the American troops were the most tragic violations of human rights during the war period. Another great scourge on humanity surfaced in the form of drug and arms peddling. In its wake, world is faced with terrorism of great magnitude. The drug peddlers and terrorism are no respecters of human rights. Thus in 1945 (after the second World War) the UNO was established as the international organization for maintaining international peace and security as well as the protection and promotion of human rights universally. In other words, the human rights provisions in the UN Charter reflect the reaction of the international community to the horrors of war and the regimes which unleashed it. The UNO through its UDHR (Universal Declaration on Human Rights)⁸ of 10th December, 1948 gave it a concrete fillip. The International Bill of human rights recognizes not only human right to life, liberty and security, but also freedom from exploitation, right to privacy as well as other economic, political, social and cultural rights. The human rights are thus a body of both rules & customs⁹ that are essential for being human to every extent¹⁰.

UNO AS A SAVIOUR OF HUMAN RIGHTS

Certain Provisions are woven in the UN Charter "like a golden thread" that gives a remarkable space to the Human Rights. Much of the credit goes to lobbying by non-governmental organizations at the San Francisco Conference. Everyone keen to have a very strong provision in order to provide each human being a comfortable position in the society i.e. "Live and Let Live". Some have affirmed the binding nature and direct enforceability of the Charter provisions, while others have denied it. While denying to them, directly or indirectly, as relevant in the sense that they form part of the public policy of a state as a signatory of the Charter. Certain provisions are:

(a) Preamble:

The Preamble¹¹ of the UN Charter states "We the peoples of United Nations (are) determined..... to reaffirm faith in fundamental human rights, in the dignity & worth of the human persons, in the equal rights of men & women & of nations large & small".

(b) Purpose of the UNO:

Article 1(3) provides for the underlying purpose of the U.N. i.e. "to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, & in promoting and encouraging respect for human rights". It calls for no discrimination should be practiced on the basis of sex, race, religion, creed etc. It has sown for days ahead, it has achieved more than might have been expected, less than might have been hoped¹².

(c) Responsibilities of the General Assembly:

Article 55(c) provides responsibilities to the General Assembly of U.N. to work upon for fulfilling the the above mentioned purpose of the U.N. This U.N. machinery is the largest body that includes almost every sovereign nation of the world. It provides an active universal platform for them to come forward with their issues & grievances over human rights. One of the early Acts of the General Assembly was to draft & adopt the UDHRs resolutions 217A of December 1948¹³. During its 60th session, the General Assembly adopted the World Summit Outcome Resolution 60/1 of 16th September 2005 which called, inter alia, for strengthening of the UN's human rights mechanism. Reform of the human rights mechanisms is ongoing and the documentation is changing to reflect the changes. The General Assembly has adopted about 80 human rights conventions and declarations since 1948. Human rights are thus a core of everything we do & try to do¹⁴.

(d) Aims of UN Security Council:

The UN Security Council comprising of 15 members has the primary duty for the promotion and protection of international peace and security. Although, this UN mechanism has not been endowed any specific power in the field of human rights, but in reality, it has become the "centre piece of the human rights protection system of the international community. It regards human rights violations as a threat to international peace, making it possible to take action against such violations with measures provided in Chapter VII of the UN Charter. It identifies three human rights which have attracted most of its attentions: the right of peoples to self-determination, the right to democratic governance and the fundamental

rights (arising under international human rights law and international humanitarian law) of civilian population and minorities during war and internal conflict.

The Security Council can make recommendations and decisions for actions including providing humanitarian aid, imposing economic sanctions and recommending peace-keeping operations. It has been responsible for international tribunals to prosecute serious violations of humanitarian laws. For example, special tribunals have been set up to prosecute law crimes in Former Yugoslavia and acts of genocide in Rwanda.

On balance, the Security Council has increased attention to atrocity, crimes such as genocide, crimes against humanity, major war crimes and ethnic cleansing laws which is a combination of human rights humanitarian and criminal law¹⁵. In the meantime, some changes might be institutionalized. The relevant UN officials should always be invited to address the Security Council such as United Nations High Commissioner on human rights, UNHCR on Refugees, the UN Coordinator on humanitarian affairs or the President of the UN Human Rights Council. Secondly, when approving an enforcement action, it should always create a follow-on supervising committee to report back to it about fidelity to and progress in implementing the mandate. It is also needed to strengthen advocacy for a voluntary restraint in the use of veto power by the P-5 or Permanent members of the Security Council. The idea of human rights has a force of its own which government can never extinguish¹⁶.

(e) Objective of International Economic & Social Cooperation:

Article 13(2) set out in Chapter IX & X aims at to create a condition of stability & well-being for having a peaceful & friendly relation among nations based on respect for the principle of equal rights & self-determination¹⁷ of the people. Similarly Article 55 & 56 bind member States to observe & respect human rights. From time to time, the UN International Court of Justice use to give its advisory opinions in many matters.

(f) Functions of UN Economic & Social Council:

Article 62(2) empowers ECOSOC¹⁸ to make recommendations for the purpose of promoting respect for, & the obligations of human rights & fundamental freedom for all. Article 68 empowers ECOSOC regarding setting up a Commission for the promotion of human rights. & such other commissions as may be required for the performance of its functions.

(g) Objectives of Trusteeship System:

One of the basic objective of the trusteeship in

accordance with the purposes of the U.N. shall be to encourage respect for human rights & for fundamental freedoms for all without any distinction of language, race, sex etc. to encourage recognition of the interdependence of the peoples of the world.

KEY RESOURCES AND OTHER MECHANISMS:

The UN system basically works through two types of Bodies to promote and protect human rights. They are the Charter Bodies and the other one is Treaty Bodies. The Charter Bodies are established under the UN Charter in order to fulfill the United Nation's general purpose of promoting human rights. They have broad mandates that cover promoting human rights in all UN member states. Certain examples are the Human Rights Council (2006), Office of the UN High Commissioner for Human Rights. While the Treaty Bodies have the responsibilities for promoting and monitoring compliance with a particular human rights treaty. They consider reports from the State parties on their compliance with the treaty and some Treaty Bodies can also receive individual complaints of Treaty Bodies violations. Beside that they consider information contained in "Shadow Reports". The Shadow Reports are in fact those reports that are submitted to the Treaty Bodies by NGO's & Nation Human Rights institutions (rather than government). After that they make recommendations (often called Concluding Comments or Recommendations) about how the State parties can improve its compliance with its treaty obligations.

INDIVIDUAL COMPLAINTS: A BOON FOR A COMMON HUMAN BEING

Individual complaints can also be entertained by the Treaty Bodies. Certain UN mechanism are authorized enough to deal with those complaint under reasonable limitations. An individual might get few relaxations by going through complicated procedures¹⁹. In fact Human Rights must be enjoyed without any restrictions. It is one of the best mechanistic tool of this Global body. Through ratifications of international human rights treaties, the government undertakes to put into place domestic measures and legislation as well as duties. The domestic legal system, therefore provides the principle legal protection guaranteed under international law²⁰. Where it fails to address human rights abuses, mechanisms and procedure for individual complaints or communications are available at the regional and international levels to help ensure that international human rights standards are indeed respected, implemented and enforced at the local levels.

Thus the UN Treaty Bodies plays a vital role having a

committee of experts in the relevant areas who serve in their personal capacity and not as the representatives of their countries. Emiritus, Professor from Shearer and Elizabeth Evatt, Former Chief Justice of the Family Court of Australia are two recent examples of Australian representatives. It is suggested to have an unified Treaty Body to monitor implementations of all the principle human rights treaties.

The High Commissioner for Human Rights:

On December 20, 1993, the General Assembly created the long -proposed post of High Commissioner for Human Rights. The main functions allotted to the post was to promote & protect the effective enjoyment of all human rights including the right to development, provide advisory services, technical & financial assistance, to coordinate the UN education & public information programs, to remove obstacles to the full realization of human rights, to engage in a dialogue with governments in order to secure respect for human rights, to enhance international co-operation for the promotion & protection of human rights and finally to rationalize, adapt, strengthen & streamline the UN machinery in the field of human rights in order to improve its efficiency & effectiveness.

In 1999, the High Commissioner Mary Robinson argued that the greatest threat to human rights is war & hence to prevent its tragic violation, it is needed to reconstruct the society which conflict has destroyed. She gave the statement at the opening of the Commission on 22nd March 1999 that "Modern media technology has ensured that we can witness the atrocities as we go about our ordinary lives, but it has not given us the tools to halt them".... The mechanism of the commission is quite unique as it takes the matter step by step. The Commission's reporting mandates is provided by early warning.

UNITED NATIONS HUMAN RIGHTS COMMISSION: **(OHCHR)**

It is staffed by about 900 international civil servants who work on a wide range of human rights activities. There are currently about seven treaty bodies of international experts who monitor state parties compliance with the core international human rights treaties and conventions. Made up of 15 member states (earlier it was 18) elected by ECOSOC for three years terms & meets for six weeks annually. It was formed under Resolution 1237(XLII). It considers the entire UN human rights program through the mechanism of examining, discussing, fact-finding missions & setting priorities on a wide range of Human Rights institutions & bodies. For its help, it can create subsidiary bodies & mechanisms that could meet

regularly.

During its inception in 1946, it was decided to not to look into communications about individual human rights abuses. But much has changed now at varying degrees into a structure of legally binding treaties. Special investigators and mechanisms has been built up to hold countries to commitments to respect the human rights of their citizens and be accountable for their actions. Six major human rights treaties has been negotiated namely civil and political rights, economic and social rights²¹, racial discrimination, discrimination against women, torture & rights of the child. Almost all countries has ratified these six treaties.

But can only ratification can sort out the human rights issues? NO! It is firstly needed that the parties should have faith upon the UN mechanisms. They have to submit their human rights grievances. Reports and information must be accurate enough to be examined properly. Secondly, the UN mechanisms has to be vigilant enough to each pros and cons of the human rights issues.

Since 1980, the Commission has created a number of "Special Procedures" to look into violations of human rights on an urgent basis, conduct country investigations and report publically on their findings ratified by experts appointed on the basis of their merit and calibre. There are certain "Independent experts" also. The Special Procedures experts takes action on certain "thematic" human rights violations and the Independent experts serve as "Country special rapporteurs".

The thematic human rights violations include torture, forced disappearances, summary executions, arbitrary detention, violence against women, freedom of expression, racial discrimination, religious intolerance, the sale of children, independence of judges and lawyers, use of mercenaries, the right to education, the right to food and the human rights of migrants etc.

The Independent experts and Country Rapporteurs are mandated to address about a dozen situations including Belarus, Myanmar, Sudan, North Korea, Palestine Territories (Rappoteurs), Democratic Republic of Congo, Haiti, Liberia, Somalia, Berundi (Independent experts), Cuba and Combodia (Republic of HCHR, SG).

The OHCHR receives about 1/3rd of its funding needs from the UN's regular budget which is approved by the General Assembly every two years. But the proportion of the overall UN regular budget devoted to human rights remains small, at just under 3%, or US \$168.5 million of the total 2012-2013 biennium budget. The other 2/3rd of OHCHR's budget needs are met from voluntary contributions by member states and other donors. About 62% of voluntary funding was used in 2012 to support work in almost 60 field presences which receive little support from the regular budget. The remainder is distributed between other areas of Office's work.

HUMAN RIGHTS "HOTLINE"

The UN High Commission for Human Rights in 1994 has established a Hotline number for 24 hours facsimile line that will allow it in Geneva to monitor and react rapidly. Each year it receives (0041-22-917-0092) nearly two lakh communications reporting violations to human rights emergencies. It is available to victims of human rights violations, their relatives and non-governmental organizations. It is valuable to those wishing to establish urgent, potential life saving contact with the special procedure Branch of the UN Office.

HUMAN RIGHTS COUNCIL: (HRC)

The world leaders- Heads of states and governments met at UNO's Headquarters from September 14-16, 2005 and adopted a document at the end of the summit known as 2005 World Summit Outcome. It contains a number of global issues that are responsible for the protection of all human rights and fundamental freedoms. The General Assembly on March 15, 2006 adopted a resolution to establish the Human Rights Council²², based in Geneva, in replacement of the Commission of Human Rights. The Council shall be the main inter-governmental body for human rights in the UN system. It consists of 47 members that are elected directly and individually by secret ballot by the majority of the members of the General Assembly. They serve for the period of six years and are not eligible for immediate re-election. Its main functions are to promote human rights education and learning, give advisory opinion, serve as a forum for dialogue on thematic issues on human rights, undertake periodic reviews and submit annual report to General Assembly. It shall assume the role and responsibility of the Commission on Human Rights to the work of the Office of the UN High Commissioner for Human Rights.

Present UN Secretary General Ban Ki-Moon quoted in 2007 that all victims of human rights abuses should be able to look to the HRC as a forum & as a springboard for action. Mr. Remigiusz Henczel (Poland) is the present President of HRC who succeeded Mrs Laura Depuy Lasserre (Uruguay).

UNIVERSAL PERIODIC REVIEW: (UPR)

On June 18, 2007, the Human Rights Council adopted a resolution which established the Universal Periodic Review. It is a unique process which involves a review of the human rights records of all UN members once in every four years. Thus around forty eight states will be reviewed every year. It aims at the over-all study and condition of human rights in particular states. It will examine the reports submitted to it and also provide

technical support. The reviews are conducted by the Universal Periodic Review Working Groups consisting of around 47 members.

Recently, the government of Iran undertook its first UPR on 15th February 2010. Out of 189 recommendations, it accepted around 123 recommendations.

UNITED NATIONS AND HUMAN RIGHTS TODAY:

The United Nations has been adopting in its human rights machinery in order to better respond to the changing demands of the international community. During the cold war, it created the normative and institutional structure for international human rights protection, steadily broadening its competence in the area. It was the protagonist of anti-imperialism and a supporter of decolonization that ultimately gave birth to over 80 new independent nations. It stood for the collective right to self-determination. Its efforts to end racial discrimination in South Africa is remarkable that was a step towards human rights protection. Recently, on March 14, 2014, the UN Assistant Secretary General for Human Rights Ivan Simonovic did a press conference to monitor the current human rights situations.

Today there is widespread recognition that the fifty years investment in developing human rights promotion requires new impetus to serve broader realization of economic and social rights." Right up Front Action Plan"- it is a new initiative by the present Secretary General of UNO, Ban Ki-Moon, to improve UN action to safeguard human rights around the world. Executive, arbitrary detention & unfair trials, discrimination against minorities, mistreatment of political prisoners & restrictions on freedom of expression are strong subjects that remain concern. The Economic imbalances, political instability, extreme poverty, economic interdependence, cultural differences etc. continue to be the fate of the nations. So, the current issue that UNO has highlighted in the realm of human rights is enhancement of the right of economic development because once it has been attained, then one can expect a true exercise of human rights to a great extent.

Secondly, it is needed to strengthen the UN machinery, that is, both governmental and non-governmental bodies. In the wake of the Vienna Conference, the UN has intensified efforts to refocus its human rights programmes, shifting its concern from standard setting to implementation. No doubt the Office of UN High Commissioner (OHCHR) has done its level best, but at the time of its implementation so many obstacles, both domestic and international comes in its way. So it is necessary to strengthen its wings through a lot of international laws and conventions. The first UN High Commissioner was Mr. Jose Ayala Lasso ((1994-97). He

assumed the post one day before the outbreak of genocidal killing in Rwanda. In 1997, the then Secretary General, Mr. Kofi Annan of Ghana²³ placed human rights as the fifth priority area (peace and security, economic and social affairs, developmental cooperation & humanitarian efforts). One of the another basic means of strengthening human rights was the consolidation of the High Commissioner Office and the Centre of Human Rights into a single office of OHCHR.

The office of High Commissioner based in Geneva with country offices around the world has a large number of staff. Its mechanisms deal with many areas of human rights such as activities and programmes, research and right to development as well as support services. Its annual budget is about \$ 20 million.(about 1.7% of the UN regular budget). There are certain voluntary contributions (Human Rights Field Operations in Rwanda) also. There is also the expansion of technical support, for example, Angola, Combodia, Mozambique, Haiti etc. The technical cooperation programme has also advised the UN electoral mission in Reitrea and South Africa. Such advisory services often entail the provision of human rights expertise, legislative analysis and training of personnel. Many UN Specialised agencies including the World Bank and IMF also making effort to incorporate the promotion and protection of human rights into its activities and programmes.

In the UN agenda, the core human rights issues today is multi-dimensional. It includes promotion of women's rights, protection of rights of child, human trafficking, child labour, educations, ending socio-economic disparities, economic upgradation, ending ethnic conflicts etc. The efforts of UN Specialized agencies like ILO, UNIFEM, UNESCO, UNICEF, UNIFEM, WHO, WTO are praiseworthy.

The UNO plays a vital role in monitoring human rights violations through its two types of human rights mechanisms- conventional and extra-conventional which respond to individual human rights abuses and to the systematic abrogation of human rights by member states. There are six core human rights treaties that are the conventional mechanisms. They are Human Rights Committees, Committee of social, economic and cultural rights, Committee on elimination of racial discrimination, Committee on elimination of discrimination against women, Committee against Torture Committee on the rights of the Child (CRE). The Committees use to report to the concerned UN mechanisms. The Human Rights Committee, for example has considered over 800 reports with respect to 56 countries and published 270 decisions. Certain extra-conventional mechanisms are also practiced like Fact-finding that permits a more flexible approach to individual violations. There are also Special Rapporteurs that are free to use all reliable sources available to them to prepare their reports, hold interviews with authorities, victims, etc. In 1997, there were fact-

finding mission to 14 countries and around 5000 cases under enquiries. The rapporteurs were much active in areas like Combodia, Rwanda, former Yugoslavia etc.

Recently, a new trend in the UN mechanisms has been highlighted, that is the efforts of the NGO's(representatives of a civil society) that are active enough in helping UNO in enhancing human rights arena. Major World Conferences (Vienna 1993, Cairo 1994, Copenhagen 1995, Rome 1996 etc.) was also very remarkable that held sessions over social development of women's rights, population explosion etc. Certain human rights organizations like Human Rights Watch, International Federation of Human Rights have a large international reach that conduct independent surveys, publish newsletters, and disseminate detailed reports. The Amnesty International, the largest human right NGO with 1.2 million members in 160 countries recently launched a worldwide petition driven to secure commitment of over 6 million peace to the UDHR.

But anyway, laws and mechanisms of implementation are not sufficient in themselves, People everywhere must first be aware of their rights before they can hope to have those rights protected and respected. Information and education are indispensable tools in the attainment of any objective.

Human Rights thus remain the central pillar of UNO for the coming century. Indeed they lie right at the heart of our multi-lateral endeavours. Without respect for the dignity and worth of all members of the human family, any effort cannot possibly succeed. There exists a triangular relationship between the requirement of legislation, implementation and information which form the basis of the work of UNO in the field of human rights. There should be universal implementation of human rights norms along with effective cooperation of both national and international institutions. Beside it, the partnership with governments, national and regional institutions, academic and research communities, media, NGO's are also needed.

It is also needed to enhance the role of UN mechanisms as per the betterment of the individuals human rights. With regard to the Human Rights Council, it is needed that there should be proper communication exchanges. The General Assembly's means of "Uniting for Peace Resolution" also should be exercised properly wherever there is a threat to human rights. It is essential to have the Advisory opinion of the International Court of Justice whenever it is needed to have some concrete legal framework over a human rights The role of International Criminal Court has to be strengthened to the extent it could punish the offenders strictly. The General Assembly, for example endorsed in December 1990 the Basic Principles on the role of lawyers adopted at the 8th UN's Congress on the Prevention of Crimes and the Treatment of Offenders. The concepts of R2P (Responsibility to Protect) and RwP (Responsibility while

Protection) has become one of the recent tools of the UN mechanisms in order to protect and promote human rights .

CONCLUSION

Hence, human Rights are the core of the UN's identity. Men and women everywhere expects that it could be able to uphold universal ideals. They need it to be their ally and protector. They want to believe that UNO can help unmask bigotry and defend the rights of the weak and voiceless. For too long now, the UNO have indulged this view under its own capacities. No doubt, the world political situation does not allow for much concerted human rights activism, in the field. Doctrines of national security and sovereignty are often invoked to conceal, excuse or justify human rights abuses. Extreme poverty and exclusion from economic, political and cultural life continue to be the fate of millions in both developing and developed countries. Definitely, the United Nations Organization is a savior of the Human Rights.

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Full Length Research

Social Innovations in School Education: A Study of Third Sector Organisations

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Accepted 6 December 2015

In the recent past, it has realised specifically in the third sector that employing social innovation as an essential condition in order to achieve long lasting social transformation and development. Education as one among many sectors that have opened it up for such transmission where employing social innovation emerges as key to reach out to the most neglected and excluded sections from either policy or market interventions. Despite state's intervention, it found that still millions of children are out of school due to lapses in policy implementation and neoliberal intrusions through marketization of school education. As a result, universalisation of elementary education became as an elusive goal to poor and marginalised sections where state obtained constant pressure by the corporate sector to withdraw from education sector that also led convince in providing quality education. At this juncture, the role of third sector organizations viewed as quite remarkable in providing education to poor and marginalised sections children in the far-flung areas. Since social innovations by third sector organisations have limited recognition at both policy approach and research, it needed broader understanding of their significance as change makers in achieving universal school education. Further, the notion of social innovation in key sectors such as education has given less importance at both research and policy framework. With this background, the present paper tried to understand the essence and probability of social innovative practices by third sector organisations such as government school adoption programme by Isha Vidya in achieving universalisation of elementary education in India. It also exasperated to what extent state needed third sector organisations collaboration and reinforcement in the state policy implications to reach goal of universal access of school education.

Key Words: Social Innovation, School Education, Third Sector Organisations, Government School Adoption

Cite This Article As: Chittoor P (2015). Social Innovations in School Education: A Study of Third Sector Organisations. Inter. J. Polit. Sci. Develop. 3(11): 461-469

INTRODUCTION

Recent years have witnessed a significant upsurge of organised, non-profit or not-for-profit activity by non-governmental organisations in the developing countries with the aim of discharging service to cope up the social problems. There has also been an impressive indebtedness of the important role that non-profit

organisations play in the processes of social, economic and political change in society (Pasha, 2004). Therefore, it has acknowledged as an instrument for change in expediting basic needs to unreached sections in society. These organisations are now also viewed as most vital contributors to economic growth and the civic

infrastructure increasingly seen as a fundamental precondition for markets and representative political institutions to function in society (Lewis, 2003). Although the importance gained in overcoming the social challenges, third sector organisations with non-profit or not-for-profit motive in the developing world continue as inadequately understood. In the meantime, the initiatives by the third sector organisations are also severely attacked by the opposite dynamics with different reasons such as poor accountability, nepotism, lack of transference and compromise towards their goals that compromised by the force of philanthropists (Lee, 2011). As a result, the propensity became weak in achieving the estimations and the opinion revolved among the public that these third sector organisation as a source of corruption. However, the contribution in service sectors such as education, health etc. from non-governmental organisations is greatly considered as change providers. But the third sector became the focal point to fill the gap that has been ignored for a long time. On the other hand, the education sector is recognised as a key component in the development of any country and elementary education considered as a foundation stone to the entire education system. In India, school education is being an elusive goal for millions of children, particularly in rural areas with diverse reasons. At present, there are nearly 80 per cent of schools located in rural areas and it is the prime reason why school education is called as rural education (NUEPA, 2014). However, the aim of universalisation of elementary education remains a very challenging task due to scarcity of physical requirement and lack of quality in terms of learning (Ulleberg, 2009).

From this perspective, non-profit organisations within the third sector became crucial as service providers, including in the field of education. Furthermore, it is also emphasised that the significant role played by third sector organisations (TSO's) in providing education to the educationally disadvantaged or marginalized sections and in remote segments the Indian society has become even more critical in relate to the Right to Education (RTE) Act (2009) implementation. Meanwhile, the government of India also emphasise that "our objective is to investigate and highlight the urgent need of non-governmental organisations (NGOs) in the education sector in order to provide a reference for government and policy makers require to provide actionable information to non-governmental firms and donors who are looking to support educational initiatives" (CII Report, 2013: 3). Further, UNESCO also states that NGOs, as development actors, have become the main service providers in countries where the government is unable to fulfil its traditional role. In the education sector, many NGOs have moved beyond the 'gap-filling initiatives' to step into innovation and capacity building (Ulleberg, 2009). In addition, the right to education which is aimed at addressing several deficiencies for universal access of

schooling cannot be achieved unless there is intervention at community, households as well as school level. Perceptibly, it is NGOs which can, at larger extent, equipped to work at all these levels as they have been active among communities and it may also build capacities among children and teachers in government schools with innovative initiatives at not-for-profit motive.

UNDERSTADING INDIAN SCHOOL EDUCATION SYSTEM

In the process of emerging as a global force in 21st century, the nation has realised that education is the key for nation building as well as to provide requisite knowledge and skills which is required for sustained growth of the economy in order to attain inclusive progress. Education has also been identified as the most essential instrument for social, economic and political transformation and also acts as an interrogative force in society, imparting values that foster social cohesion and national identity. In this whole education domain, the elementary education system plays an important role as deep tomb. Because of this reason, in post-independence, India inherited a system of education which was characterised by large scale inter and intra-regional and social imbalances. The constitution has played a major role in prompting the state duty of providing education to every citizen irrespective of their socio-economic conditions. As Article 45 of the Constitution stated that the state shall endeavour to provide within a period of ten years from the commencement of this constitution for free and compulsory education for all children until they complete the age of 14 years" (Tilak, 2007: 3873). Further article 29(1) states that "no citizen shall deny admission on the grounds of religion, race and gender, etc., which emphasises the equality of opportunity" (Bhatty, 2014: 104). During the last six decades of Independence, the nation has formulated various policies to fulfil the constitutional obligation of providing education to every as a right. Consequently, the National Policy on Education (NPE) was formulated in 1968 and policy resolution of 1986 as well updated in 1992 which are identified as key steps in Indian elementary education system. At present, the elementary education sector covering with more than 18 crore children in nearly 12 lakhs schools across the country (MHRD; GOI, 2011). As per recently concluded census of the government of India, the literacy rate has significantly increased from 18.33% in the year 1951 to 74.04% in 2011 (Census, 2011). In shows that India has led efforts to achieve the goal of universal elementary education for every child, which is part of the Education for All (EFA) goals that adopted at the World Education Forum, Dakar in 2000. The EFA goals include equitable access to appropriate

learning and skill programme, achieving 80 percent improvement in literacy, gender equality and improving all aspects of a quality education by 2015. However, the common objectives of the Constitutional provisions and policy approaches of the government of India are to enhance access through the expansion of quality education and to promote equity through the inclusion of disadvantaged and weaker sections. But the state, in fact, has failed to reach out every section of children in bringing them into school, which results nearly 8.15 million children out of school (UNESCO, 2015). In addition, the quality concerns also remain a major challenge to the government. At broader perspective, the present public school education system is affected by two major defies that includes quality concerns and uninhibited privatisation of school education.

QUALITY CONCERNS IN SCHOOL EDUCATION

At present, about 80 per cent of schools in India are government schools which are either run directly or supported by the government (DISE Report; MHRD, 2014). But the major problems of the present school education sector are about the provision of basic infrastructure and qualified teachers which are essential requirements for quality education. As of now, there is a shortage of large number trained or skilled teachers and lakhs of teacher posts fallen vacant in the country that has not been taken up as necessary by the government, but it is essential to implement the Right to Education act (CII Report, 2013). The quality of elementary education in India has been a cause for concern for a long time. The NPE 1986 also reiterated the urgency to address the quality concerns in school education on priority basis. The quality concerns requires reforms in teacher training; improvement in the facilities and infrastructure in schools; teacher's motivation and teaching in an attractive way to the students as far as the provision of access and coverage is concerned. Conspicuously, India boasts of its educational system as being the second largest one in the world (Agarwal, 2000). It is also evident that the public education sector has failed in building strong institutional mechanism to promote quality education. The Right to Education Act 2009, for instance, requires School Management Committees (SMC) to be set up to co-ordinate activities in every government school, which is not happening even after 4 years of the commencement of the right to education act. The SMC oversees the operations of the schools and receives funding from the state and the Union government. For that to happen, the teacher evaluation system has to be refurbished. For example, in relate to skilled and well trained teachers, about 99 percent of total 7.95 lakhs teachers has failed to clear central teacher eligibility test which is the benchmark in quantify the eligibility of the teacher

(Balasubramanian, 2013). It emphasises that the poor quality of teaching in government schools. Quality teacher training, infrastructure, teaching resources and community involvement in ensuring teacher and school accountability must go hand in hand but it lacks due to government meagre interventions. Additionally, the report in 2014 based on a rural household survey has exposed the miserable status of schooling and basic learning in rural India (Census, 2011). It is also clearly understood that merely increasing enrolment does not add up to better education particularly in rural areas. From this perspective, the utmost challenging job to the government is to retain those who enter school without failing enrolment. Further, the quality of children's education will determine as the quality of citizen in the coming years. With the implementation of the Sarva Shiksha Abhiyan (SSA), the significant proportion of children between 6-14 years age group in rural areas, in the majority, are attending school but most of these children are woefully behind on the level of learning. For instance, a survey by Pratham which is a non-governmental organisation founded that only 53.4 per cent of the children in standard V could read at the standard II level and only 66.8 per cent of the standard I children can recognise numeric numbers while only 36.5 per cent of Standard III children can do two digit subtraction problems and only 35.9 per cent of standard V students can do simple division (Vellanki, 2015). However, it would be difficult to judge that all the policies which have been so far failed in achieving the quality education, but the success of any policy can be measured by the result and the quality. Further, it is imperative to look at possible reasons responsible for the failure of government policies and programmes as explained by Bandopadhyay and Von Eschen that "the failure of government policies and practices are, in fact, partly reducible to the steep system of stratification and fragmentation itself and most fundamental of all, this concentration of power is heavily responsible for the failures in government policies" (Garg and Mandal, 2013: 159). Until the government takes solemn measures for improving quality concerns in school education such as teaching, infrastructure and etc., the public school sector cannot exist which is the only source to cater millions of children in India.

MARKETIZATION OF SCHOOL EDUCATION

The privatisation and liberalisation approach, which came into exist in 1990's resulted severe destruction of all sectors including education sector with overridden of the private sector. In fact, neo-liberal policies have not delivered on any of their promises as ruling class claimed it is the solution to many problems in society rather they have aggravated India's age-old problems of inequality.

In detail, a key neo-liberal policy thrust is to deliver services which has been traditionally provided by the state, with the objective of private capital (Reid and Brain, 2003). As a result, the public utilities and infrastructure, at present, are largely in private hands that led to inequalities in school education system. The share of government schools in the total number of schools in India appears to be declining with poor attention by the government towards public schooling and growing interest among corporate entities. Consequently, profit motive based private organisations entered into the K-12 education space with profit potential in the market. The private sector is also making tremendous profits through commercialisation of education and this trend shows how education became commoditized in India (Tilak, 2010). It is evident that there are nearly 63 per cent of schools under private management in India (MHRD, 2011). In another facet, the public/private school considerations in a developing countries rarely focus on the 'social capital' which is essential in schools (Klein and Hadjimichael, 2003).

One of the most worrying aspects about private sectors is the increase of enrolment that has risen from 18.7 per cent to 28.3 per cent during 2006-2012 and it predicts that it could be unimaginable in a few years if it goes at this rate (ASER Report, 2014). Even though, the economic conditions are not supportive to meet the high fee structure in private schools, people not only in urban areas but also in rural areas are choosing private schools. Gradually, this trend poses a question mark to the existence of government schools which is the only source to the majority of people, particularly most disadvantaged and marginalised sections in both rural and urban areas. It is nothing but a sort of economic exploitation by the private sector in the name of quality education. Consequently, the basic right to education is becoming a castle in the sky and concern of policy makers and officials are acting as strategic to escape by giving up the duty of Universalisation of elementary. This situation is identified as a 'silent emergency', because the school system has stopped growing and there have been sharp cuts in spending on education by the government (Sinclair, 2002). At this juncture, economists, experts in education sector like Joseph Stieglitz and Prabhat Patnaik considered privatisation as the blind push and blame World Bank for pressurising the nations to adopt liberalisation policies (Patnaik, 2015). One of the most significant fails of the states in relate to the privatisation of education is a failure to fulfil their oversight obligations. The state must establish and maintain a transparent and effective system which monitors the right to education for every child instead of leaving the education sector to private players. Besides, allocating minimum 6 per cent of the Gross Domestic Product (GDP) for education is a long standing recommendation, but looks to be on the way to remaining unfulfilled (Tilak, 2012). The above

recommendation can help to strengthen the public school education sector, if it is implemented utterly, which is hidden for long time. Given the multitude of issues like privatisation, the government is not considering education with high enough priority. It results that the unregulated growth of private sector school education sector led to keep millions of children who are deprived from socio-economic aspects remaining out of schooling.

SINGFICANCE OF NON-GOVERNMENTAL ORGANISATIONS

Since both public education sector and expensive private sector have failed to cater the educational needs of most excluded and deprived children in India, the gap has tried to fill through various innovative ingenuities by other than the state has received significant attention. At present, enormous differences exist among people throughout the world and these differences reflect to an important degree the underlying pluralism and diversity of people and societies lead to varied exclusions. Indeed, the state is not enough force to tackle all these social challenges. At this juncture, the role of third sector organisations is crucial in overcoming such exclusions. Therefore, few social institutions are better positioned to play role in overcoming the challenges because third sector organisations are often in close with excluded communities in very remote areas. More specifically, third sector organisations can promote inclusion in different ways, such as consciousness raising, empowerment, opening public space, advocacy, monitoring, promoting innovation, resource mobilization and services to community, mediation, economic influence. It is also evident that the prominence of NGOs in achieving the nation's economic and community development has to be highly realise in developing countries like India (Pawar et.al. 2004). In a diffident way, these organisations with certain basic social principles can structure their activities in order to provide development outcomes for communities. Further, they also work with commitment to eradicate the base causes of the problems trying to improve the quality of life, especially for the poor, the oppressed, the marginalised in urban and rural areas. These organisations established by and for community without or with little intervention from the government; they are not only a charity organisation but work on socio-economic and cultural activities.

Indeed, NGOs at both nationally and internationally level have a crucial role in helping and encouraging governments into taking the actions to which they have given the endorsement at international level. Increasingly, NGOs are able to push around even the largest governments in order to enhance the efforts for social and economic development of the society (Srivastava and Tandon, 2005). In addition, United Nations (UN) also

emphasised the importance of third sector organisations as vital element the representing the modern world with increasing in number. From the standpoint of global democratization, it requires the participation and mobilization of resource capacity of non-governmental organisations for better development (Stephen and Thanuskodi, 2015). Though NGOs are facing a challenge to organize themselves to work in more global and strategic ways for change, they can assure of better outcome if the state provide support. Inevitably, third sector organisations can also build outwards from concrete innovations at grassroots level to connect with the forces that influence patterns of poverty, exclusionary issues and discriminatory factors. In this sense, NGOs are trying to integrate micro and macro level action in their project and advocacy activities. The fundamental change that characterises this shift is moving from development as a delivery mechanism to development as a force. Of course, this process has major implications for the way in which NGOs organise themselves, raise and spend their resources and relate to others is essential (Shah, 2005). Among many challenging issues of society, education is one which requires immediate attention by the collaboration of the state and civil society. At present, the essence of third sector organisations innovative methods are much required in the elementary education sector in countries like India.

SOCIAL INNOVATIONS BY THIRD SECTOR ORGANISATIONS AND ITS SINGNIFICANCE IN SCHOOL EDUCATION

From the last decade or so, 'social innovation' has become a catchword in the development literature and in studies of innovation. In fact, several government initiatives have been launched in the name of social innovation, often in North America and Europe and spread later in the rest of the world. From the very theoretical views on social innovation, it has been offered as a new idea or at least the interest in the idea is presented as new or relatively new. To know the origin of the idea, some writers date the origins of the concept to 1970's, in contrast, other like Benjamin Franklin, Emile Durkheim, Weber and Josef A. Schumpeter suggest that it would have had the "notion" already before the 1970s (Godin, 2012). Though the concept existing as new when compare with technological innovation, it is in fact two hundred years old. In modest sense, it is defined by Stanford Social Innovation Review as "the process of investing securing support for and implementing novel solution to social needs and problems" and also described it as an approach in "dissolving boundaries and brokering a dialogue between the public, private and non-profit sectors" (Phillis et.al. 2008: 37). However, the social innovation practices are more needed to a country like India, where it experiences considerable economic

progress along with poverty that continue to pervade rural areas from development.

Inevitably, the essence of non-governmental organizations remains the same in providing basic services to certain sections in very remote areas. Many NGOs have demonstrated an ability to reach poor people as service providers with better links than official agencies, work in inaccessible areas and innovate or in other ways to achieve things better. Their efforts not only to 'fill in the gaps' but also act as 'a response to failures' in the public and private sectors in providing basic services (Ulleberg, 2009). In this process, NGOs requires essential support from the state in order to make difference as progressive in the society where government alone cannot or will not do. However, it is important to recognize that the relations between NGOs and governments vary drastically from region to region and country to country. At some extent, NGOs and government alliance is much needed condition and there could be a possibility of achieving betterment in conditions in certain sections where both NGOs and state work with common objectives (Smith, 2011). Education is one among many sectors where government required third sector organisations effective involvement with innovative approaches to achieve zero illiteracy and universal access. In fact, education sector particularly school education sector is struggling from many challenges that led to basic education which is a right of every child became elusive one to many children in India.

Comprehensibly, majority of children are rely on government schools because of poor economic affordability in order to get so called quality education at high expense from private schools. These public schools have great penetration into the very interiors of our country even at the high phase of privatisation of education era. It is evident that close by to 200 million children study in elementary education and the majority of these children are in rural public schools with spread over 600,00 villages (Kulkarni, 2013). Along with improved results in school education, there are long standing challenges and the new face of problems coming into existence. For instance, the most uncomfortable reality is that 8.15 million children aged between 6-14 years that constitute 4.22 per cent of total children are out of school children (MHRD, 2011). In addition, only 47 out of 100 children enrolled in class I reach class VIII, putting the dropout rate at 52.79 per cent (Ganguly and Ali, 2005). In addition, there is requirement of special mechanism to subjugate the systematic rooted challenges like lack of teachers, non-availability of teachers in remote rural, hilly and tribal areas, high teacher infrastructure and inadequate allocation of resources, irregular classes, overcrowded classrooms and traditional methods of rote learning. Besides, many states governments are closing thousands of public schools in the name of rationalisation

to merge them into nearby adarsh schools particularly in rural areas. However, this step by the government is pushing many students into private schools and the children who cannot afford it turned into their drop out from schooling. For case in point, the Rajasthan and Maharashtra governments has decided to close 17,000 and 14,000 schools respectively and many other states also discerning to close hundreds of schools in name of low attendance and poor enrolment (Dhankar, 2014).

At this consequences, it can be understood that the requirement of immediate involvement of civic organisations with new innovations and agencies other than government to reach out the unreached in the education sector. In this regard, many NGOs have understood the fact that the seeds of change are the civil society, community entrepreneurship and public-private collaborations and their initiatives as innovative can cater as better mechanism in order to reduce the number of children who are out of school. It also helpful to strengthen the public school sector with quality and also facilitate education to all section of children and remote areas.

GOVERNMENT SCHOOL ADAPTATION PROGRAMME AS SOCIAL INNOVATION

Government schools serve the majority of children in India and these schools has witnessed a decline in their services. In spite of relentless efforts, the continuity of education until complete school education is declining due to the dropout rate is at 52.78 percent and 19 percent of the total primary schools are single teachers with lack of adequate facilities, large scale absenteeism of teachers and local authorities' ineffectiveness (Blum and Diwan, 2007). In a few other cases, many children are shifting to private schools from public schools because of poor quality of teaching and standards in government schools. At this juncture, the concept of innovative practice by the third sector organisations has given hope of strengthening public schooling for providing equal opportunity of education for every child. These innovative practices also benefit to induct a holistic activity based approach for the development of children beyond just academics and ensuring that students can realise their potential in learning (Patel, 2008). Among these sort of innovations, government school adoption is a unique step which intended to enrich learning capabilities in children and improving teaching skills. There are few non-government organisations who came up with government school adoption programme to improve the quality of education in the public schools rather than set up private schools with profit motive. These organisations include Isah Vidya, Nirmaan, Giveisha, and Sikshana have been deeply engaged with school adoption programme in India. As stated earlier,

these interventions can enhance the quality of elementary education in government schools that result several thousands of children benefiting with a meaningful education. Isha Vidya is one among few as more active and successful organisation in adopting government schools as social innovation with commitment to raise the level of literacy in rural areas and also to advantage disadvantaged children in realising their full potential. As part of Isha social outreach programs, the first Isha Vidhya School adoption started in 2006 in Coimbatore with 263 student's enrolment from 26 nearby villages. Every year, the schools have been expanding one grade by another until they reach full capacity from class I to Class X. In 2011, Isha Vidhya adopted 9 more government schools whereas 8 schools in Tamilnadu and 1 school in Andhra Pradesh with 5280 children enrolment. With the experience gained, Isha has also adopted 31 government schools in 2012-13 with 26843 students (Report of Isha Vidya and Govt. of Tamil Nadu, 2014), who will benefit from critical interventions that will have a dramatic impact in order to improve the quality of education in public schools.

Government school adoption, as innovative initiative, seeks to ensure quality education for children in rural areas with the aim of creating equal opportunities for all school age children which benefit from quality schooling without any financial burden. For this aim, Isha Vidhya also employed teachers to fill critical gaps and reduce the student-teacher ratio. It is also outlined to organise remedial classes for slow learners to improve English language capabilities of students through methodologies, provide yoga, arts, health facilities, hygiene and environmental awareness. It also provides the required infrastructure like toilets, library books, computers, etc. and training government school teachers to access and use classroom educational aids. The process of government schools adoption is taking place with the support and collaboration of government through a memorandum of Understanding (MoU). Apart from the above objectives of the government school adoption program, it also strives to induce a spirit of enthusiasm and joy in each child during their schooling. The Isha Vidhya has a target to reach at least 3,000 government schools out 6,300 total schools in Tamil Nadu and their main emphasis on schools which are located in more remote areas.

By 2014, the Isha has recruited 176 teachers with the required training in government schools to meet the norm of 35:1 student teacher ratio which is the main instruction of Right to Education Act. The programme is imparting quality education to nearly 28,000 children in 40 government schools of 4 districts in Tamil Nadu. The Government School Adoption Program (GSAP) has produced effective results through providing better access with quality schooling. Those interventions includes i) decreased the student teachers ration from

70:1 to 40:1 by employing required teachers which helped to create better learning opportunities for students. ii). Till now, nearly 6,153 children out of 14,364 children studying between 6th to 9th grade were identified as slow learners with lacking even 2nd standard skills such as reading and writing and these children were successfully mainstreamed back to their regular class (Isha Annual Report, 2014). The programme also introduced Yoga to reduce academic stress and to concentrate on their studies. In addition, it provided opportunities to improve speaking and writing abilities in English medium and held summer camps to enhance the capabilities of art and crafts. Isha Vidhya has also delivered training to teachers in Activity-based learning (ABL) methodology for effective teaching. The model of Government School Adoption Programme (GSAP) is embryonic as a social innovation with a view to strengthen public schooling which is the only source to the majority of the marginalised, excluded and economically weaker sections children in the country.

CONCLUSION

India's capability to emerge as a globally competitive country extensively depends on the magnitude of its knowledge resources. It also realised that an educated population not only energise economic growth, but also has an optimistic impact on human development indicators (Chakrabarty, 2011). To achieve this ailment, the government and other stakeholders take up the mantle of ensuring quality education and realise the importance of education in the future growth of the country. Currently, the number of schools that provide with best quality education are very limited and the majority of them need significant improvement in terms of quality, access and quality. In spite of commencement of right to education, it found that about 8.15 million children remained out of school, which is the most uncomfortable reality to the government of India (UNESCO, 2013). The UNICEF has described the situation as a national emergency and called for equipping the government and civil society to implement the Right of Children to free and compulsory education act 2009 (Dhar, 2013). Meanwhile, the phase of commoditization of education sector led to a major portion of the children is remaining out of school or non-enrolled and majority among them are from highly disadvantaged section and remote areas. At this juncture, many non-government organizations (NGOs), in the last few decades, have emerged to address this important development goal. The recent scholarship suggested that two strengths of NGOs are their ability to reach disadvantaged communities and their ability to experiment on a small scale with innovative solutions to social problems (Ivie, 2009). In another perspective, the NGOs have the indispensable organization capacities,

finest practices and willingness to make a difference. However, the encounters of the contemporary times also emphasised the need a partnership and strengths toward finding innovative solutions to care the neglected sections. But the collect impact also required structural process that leads to produce effective change in practice (Kania and Kramer, 2011).

The country like India with huge human resources required to realise the significance of third sector organisations in providing basic rights such as education which has been a difficult task for state for a long time. However, third sector organisations such as Isha Vidhya with social innovative footsteps for social change through government school adoption can be a greater advantage to poor and disadvantaged children in rural areas of India. Indeed, the progress of government school adoption has shown that these sorts of social innovations can act as key players in addressing multiple deprivations. The determination of government school adoption initiative with the collaboration of local government bodies has attained significant results in government schools by providing space for quality education. Isha is one among many other organisations which became a successful organisation with non-profit motive and working for the education of most disadvantaged sections with the aim of making the elusive dream of the right to education became a reality. In fact, Isha Vidhya experience proved that the social innovative practices by third sector organisations can act as an instrument for achieving the objective of universalisation of elementary education with appropriate and modernise approaches. In this regard, the government has to frame more convivial policy approach to enrich social innovative practices by third sector organisations such as government school adoption programme. These initiatives are not only helpful to reduce the number of out of school children, but also lead to reach the goal universalisation of elementary education with quality in India.

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Full Length Research

The Analysis of the use of Smart Card Reader (SCR) and Credible Elections in Nigeria 2015

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Accepted 9 December 2015

This study provided the analysis of the use of smart card reader (SCR) and credible elections in Nigeria 2015. The study was conducted in Makurdi Local Government Area of Benue State. Four objectives were set to achieve and 1 hypothesis formulated. The population for the INEC included all the 207 INEC staff in Makurdi Local Government Area. The sample for the study was 180 respondents. Data was collected with the use of researcher's constructed questionnaire. Data collected was analyzed using descriptive statistics; arithmetic mean and standard. Inferential statistics; chi-square was employed to test hypothesis. Findings for the study revealed a significant Chi-square calculated (X-cal) of 2.71 and the chi-square tabulated (X-tab) of 2.69 ($p=2.71>2.69$). This was an indication that smart card reader has credibility on the conduct of the 2015 general elections in Nigeria. The study concluded that the evolution of smart card reader technology marks the significant development of electoral systems in many counties. It was recommended that all Nigerians should accept the use smart card readers in the conduct of elections at all levels. Both INEC and Adhoc staff should be properly trained on the use of smart card readers to eliminate the challenges experienced in the 2015 general elections.

Key Worlds: Smart Card Reader (SCR), Credible Elections.

Cite This Article As: Beetseh K and Akpoo T (2015). The Analysis of the use of Smart Card Reader (SCR) and Credible Elections in Nigeria 2015. *Inter. J. Polit. Sci. Develop.* 3(11): 470-477

INTRODUCTION

Election is the process whereby an electoral chooses, by voting, officers either to act on its behalf or represent it in an assembly with a view to governing or administering. An electorate refers to a class of citizens entitled (by a law course) to vote in an election, by whatever procedure (Santon, 1983).

Elections provide for a bare minimum of political participation, perhaps the only act of participation for the vast majority of the governed, and therefore create a feeling of belonging and a degree of responsibility for government decisions.

Elections could be seen as institutionalized procedures for the choosing of office holders by some or all the recognized members of a society. So an electoral system exists to provide the electorate with opportunity and the right to choose their representative and maintain contact with them. Hence, for an electoral system to be democratic, it must provide for equal electorate and the freedom by that electorate to make a real and meaningful choice devoid of coercion or intimidation (Eminue, 2005). In effect, 'election would be deemed to be democratic and hence good if it is free and fair and not based on

patronage of any kind.

Therefore, elections in Nigeria though seen as a means of controlling the government; within context of electorate's participation reveal a rather disturbing 'state' that has called for serious concern. Duru (2002) noted that, indeed the Nigerian electoral process since independence has gained an unenviable reputation for fraudulent practices. This situation has forced many to see elections in Nigeria as a mirage or a mere 'selection'; selection in the sense that the electorate are left out of the entire system, owing to the fact that elections are conducted with or without the full participation of the electorate, who are supposed to choose those who rule over them. The organization of elections in Nigeria have often been carried out without due involvement of the people. The system operates in a way that suggests a total disregard and misapplication of democratic ethos. Thus, the outcome has always been manipulated in favour of candidates of the powerful few. This is unfair and shameful, given the democratic system we opted for. It better telling the people that the leaders would be 'selected' so that they would not bother to queue up in the scorching sun. But allowing them to vote and later turning things upside down is the height of betrayed that must be resisted. It is in the light of the above, that the independent Electoral Commission introduces the smart card reader in the electoral processes to reduce the high level of mal-practice.

The smart card reader is an electronic device which is use to detain the atelicity of one's permanent voters card. The smart card reader was the most highly contentious and the real issue in the 2015 general elections in Nigeria. The smart card reader was a critical component in the 2015 general elections. It was used for the first time in Nigeria's electoral process and it remains one of the greatest innovative technologies in the 2015 general elections.

The smart card reader is a technological device setup to authenticate and verify on election day a Permanent Voter Card (PVC) issued by INEC. The device uses a cryptographic technology that has ultra-low power consumption, with a single core frequency of 1.2GHz and an Android 4.2.2. Operating System (INEC, 2015). In other words, the INEC card reader is designed to read information contained in the embedded chip of the permanent voter's card issued by INEC to verify the authenticity of the Permanent Voter's Card (PVC) and also carry out a verification of the intending voter by matching the biometrics obtained from the voter on the spot with the ones stored on the PVC (Engineering Network Team, 2015).

The ability of the card reader to perform the above described functions as well as keeping a tally of the total numbers of voters accredited at the polling unit and forwarding the information to a central database server over a Global System for Mobile (GSM) network makes

the card reader most welcome at this point in time in the nation's electoral history (Engineering Network Team, 2015). Card reader also helps in maintaining credible electoral system.

Electoral system is a process by which citizens of a given democratic entity elect representative to handle their machinery of government. This is done through vote casting. According to Beetseh & Akpoo (2014), electoral system is only one factor in the evolution of a party system, but the effects of different electoral system can be found in the structure, ideology, the pattern of the party interaction and the members of the parties that compete in the political system. An electoral system consists of more than the method of counting votes cast by the voters. A full description of an electoral system would include such factors as the extent of franchise that is, who is entitled to vote? It would include the rules relating to the candidates and parties, and those regulating the administration of election, especially the provision against corruption.

According to Beetseh & Akpoo (2015), electoral system is the institutionalized arrangements by means of which an election is conducted and the purpose of the election fulfilled the term according to Hague and Harrop (2013) covers the legal and practical realities of voter registration and election administration as well as the prices rule for translating. This study therefore provides an in-depth analysis of the use of Smart Card Reader (SCR) and credible elections in Nigeria using the 2015 general elections as case study.

STATEMENT OF THE PROBLEM

Elections in Nigeria are usually characterized by thuggery and violence. This is as a result of malpractices experienced during election. The search for credible elections has been a major source of concerned to Nigerian. Elections in the past were done through the use of manual accreditation and this creates room for massive manipulation of election results by the ruling party. The resultant effect of this menace is poor governance as contestants who claim to emerge winners feel they bought votes by their money, as such, no meaningful development is recorded.

It was at this background that the Independent Electoral Commission under the leadership of Prof. Jega introduced the use of an electronic device called Smart Card reader (SCR) which was use in the 2015 general elections which seem to have provided some credibility in the electoral process. It is in the light of the above, that this research paper intent to analysis the use of Smart Card Reader (SCR) and credible elections in Nigeria in electoral process.

OBJECTIVES OF THE STUDY

The broad objective of the study is to analyze of the use of Smart Card Reader and Credible Elections in Nigeria in 2015 general election. The objectives of this paper are;

1. To identify the reasons for use of Smart Card Reader (SRC) in Nigerians 2015 general Elections
2. To ascertain the credibility of the Smart Card Reader (SCR) in Nigerians 2015 general Elections
3. To find out the challenges of using the Smart Card Reader (SCR) in Nigerian's general elections
4. To profound solutions to the challenges experience in the use of smart card readers in Nigeria's 2015 general elections

Hypotheses

H₁: There is no credibility in the use of Smart Card Reader (SCR) in Nigerians 2015 general Elections

H₂: There is credibility in the use of Smart Card Reader (SCR) in Nigerians 2015 general Elections

MATERIALS AND METHODS

This study is conducted in Makurdi Local Government Area. Makurdi is the capital of the of Benue state in Nigeria. The city is located in central Nigeria along the Benue River and holds the base for the Nigeria Air Force's MIG 21 and SPECAT Jaguar aircraft squadrons. Makurdi had an estimated population of 500,797. Makurdi is home to Benue State University and the Federal University of Agriculture (The World Gazzetteer, 2007).

The population for this study includes all the 207 INEC staff in Makurdi Local Government Area. The sample size of 180 respondents was selected for the study using simple random sampling technique.

Data was collected with the use of researcher's constructed questionnaire. Instrument for the study was validated by two experts in College of Agricultural and Science Education, University of Agriculture Makurdi. The Cronbach Alpha Coefficient of 0.82 was found to be reliable for the items.

Data collected was analyzed and presented in tables using descriptive statistics; arithmetic mean and standard. Inferential statistics; chi-square was employed test hypotheses.

DISCUSSION OF RESULTS

In table 1, the result revealed that all respondents rated the items with mean above 2.50 which is the bench mark. They agree that card reader is the best option to curb

electoral malpractices (3.22), it will boost Nigerians confidence in the process (3.200), failure to use it may cause postponement of elections (2.57), further delay with the elections will be violating the constitution's laws (3.32), people want it (2.80), other countries have used it and it worked (2.57) and it has shown it will work (2.32). This indicates that INEC had enough reasons for using card readers to conduct the 2015 elections.

The findings of this study confirms with the study conducted by Sanjay and Ekta (2011) on the title analysis of Electronic Voting System in Various Countries in M. M. University, Mullana, India. The study revealed that smart card reader eliminates the possibility of invalid and doubtful votes which, in many cases, are the root causes of controversies and election petitions. It makes the process of counting of votes much faster than the conventional system. The smart card also reduces to a great extent the quantity of paper used thus saving a large number of trees making the process eco-friendly. It reduces cost of printing almost nil as only one sheet of ballot paper required for each polling unit.

In table 2, respondents agree that this device was part of the registration and authentication of duly registered voters with mean rating of 2.87, the card reader had been promoted by INEC as an anti-electoral fraud (2.78), the device and was introduced to enhance the integrity of the voting process (3.23), dissuade multiple voting (as only duly accredited and verified PVC holders could vote) (3.18), the card readers were also programmed to work for specific polling units (3.15) and infused some level of transparency and credibility into Nigeria's electoral process (2.72) respectively. This is an indication that card readers ensure credibility in the 2015 general elections in Nigeria.

This result is similar to a report made by Dr. Ekumen, Emmanuel on Recounting the Card Reader Experience in Thisday Newspaper of 23rd April, 2015. According to the report, the use of card reader machines for the 2015 general elections has proved that INEC could conduct credible elections with minimal complaints. The use of card readers for elections is highly commendable because it has helped reduced election fraud like multiple registrations and multiple voting. With the card readers, the true identities of card holders were matched with the details contained in their permanent voter's cards (PVCs), during accreditation and the process helped in reducing fraudulent accreditation that marred electoral processes in the past.

Result in table 3 shows the problems experienced by the use of smart card reader in the 2015 general elections in Nigeria. All respondents agree that during the election, card readers had possible battery failures to power the device (2.56), timeliness issues in verifying PVC holders (2.54), many voters could be covered within the accreditation process (2.73), the card readers could not access names of voters beginning from alphabets A

PRESENTATION OF RESULTS

Table 1: Mean responses on the reasons for use of smart card reader

S/N	Item	SA	A	D	SD	N	Mean	Std. Dev.	Remarks
1	It is the best option to curb electoral malpractices	96	37	34	13	180	3.20	0.99	Agree
2	It will boost Nigerians confidence in the process	66	39	45	30	180	3.20	0.99	Agree
3	Not using it may cause another postponement	42	63	31	44	180	2.57	1.09	Agree
4	Any further delay with the elections will be violating the constitution's laws	105	41	22	12	180	3.33	.93	Agree
5	The people want it	72	33	42	33	180	2.80	1.16	Agree
6	Other countries have used it and it worked	33	72	40	35	180	2.57	1.00	Agree
7	It has shown it will work	33	54	32	61	180	2.33	1.13	Agree

Source: Field survey, 2015**Table 2:** Mean responses on the credibility of smart card reader

S/N	Item	SA	A	D	SD	N	Mean	Std. Dev.	Remarks
8	This device was part of the registration and authentication of duly registered voters	69	44	42	25	180	2.87	1.09	Agree
9	The card reader had been promoted by INEC as an anti-electoral fraud	66	39	45	30	180	2.78	1.12	Agree
10	The device and was introduced to enhance the integrity of the voting process	102	38	20	20	180	3.23	1.03	Agree
11	Dissuade multiple voting (as only duly accredited and verified PVC holders could vote)	96	36	32	16	180	3.18	1.02	Agree
12	The card readers were also programmed to work for specific polling units	97	33	30	20	180	3.15	1.06	Agree
13	Infused some level of transparency and credibility into Nigeria's electoral process	60	45	39	36	180	2.7167	1.12996	Agree

Source: Field survey, 2015

Table 3: Mean responses on the problems of smart card reader

S/N	Item	SA	A	D	SD	N	Mean	Std. Dev	Remarks
1	Possible battery failures to power the device	29	76	40	35	180	2.55	0.98	Agree
2	Timeliness issues in verifying PVC holders	27	53	36	64	180	2.54	1.09	Agree
3	Many voters could be covered within the accreditation process	57	48	46	29	180	2.74	1.07	Agree
4	The card readers could not access names of voters beginning from alphabets A to E, which eventually deprived them from voting	55	44	47	34	180	2.67	1.10	Agree
5	Inability to capture the biometrics from finger tips	90	38	26	26	180	3.07	1.10	Agree
6	Irregular capturing	23	82	40	35	180	2.52	0.94	Agree

Source: Field survey, 2015

Table 4: Mean responses on the solutions to challenges of smart card reader

S/N	Item	SA	A	D	SD	N	Mean	Std. Dev.	Remarks
15	Verify if minimum system requirement is met	49	38	20	73	180	2.55	1.26	Agree
16	Verify the reader's status under Device Manager	61	50	27	42	180	2.72	1.16	Agree
17	Try other USB ports	58	61	33	27	179	2.84	1.04	Agree
18	Change the drive letters	65	52	47	15	179	2.93	0.98	Agree
19	Confirm your memory card can appear as a drive letter	54	39	51	35	179	2.63	1.11	Agree
20	Install Card Recovery on your computer	87	44	24	24	179	3.08	1.07	Agree
21	Do not remove memory card during photo saving and viewing	84	39	36	20	179	3.04	1.05	Agree
22	Do not change memory card when the camera is on.	88	41	30	20	179	3.10	1.04	Agree
23	Stop taking/viewing new pictures on battery low.	54	45	44	36	179	2.65	1.11	Agree
24	Try inserting a different card	50	42	17	70	179	2.50	1.26	Agree

Source: Field survey, 2015

Table 5: Chi-square result on the use of smart card reader and credibility of elections

Variable	X	X-cal	X-tab	Df	Remarks
Smart Card Reader	3.2	2.71	2.69	9	Significant
Credibility	3.17				

*Significant at 0.05

Source: Field survey, 2015

to E, which eventually deprived them from voting (2.67), inability to capture the biometrics from finger tips (3.07) and irregular capturing (2.52). This means there problems associated with the use card readers in elections.

This result is also in line with the observation of Alebiosu (2015) who outlined the Challenges of Smart Card Reader in the 2015 General Elections in Nigeria. Alebiosu observed that in spite of the assurances given by INEC to address the issues that aroused with the card readers after its test-run in twelve states of the federation, the 2015 general elections witnessed the inability of the device to deliver effectively in a large number of polling units especially in the Presidential and National Assembly Elections.

The level of awareness among the electorates about the card reader was poor. A large number of Nigerians especially the electorates in rural communities are completely unaware of the device. Many of these categories of people have neither seen nor heard about the card reader until the Election Day. These categories of people have no information on the role of the card reader in the elections. There was a lot misconception about the device. To some of the electorates, the card reader was a voting device. This inadequate information dissemination and poor sensitization of the electorates on the card reader led to some poor human relations and uncooperative attitudes between some of the illiterate electorates and election officials.

The training given to the ad hoc and INEC staff on the use of the card reader was inadequate. Majority of the Presiding Officers and Assistant President Officers I in the polling units were not effectively trained on the proper use and handling of the card reader. In most cases the venues provided by INEC for their training were crowded and not conducive such that most of the trainees did not properly receive the instructions on the use of the card reader. There were imperfect practical demonstrations of how the card reader would properly be effective. In some cases two card readers were provided for a class of hundred trainees.

A large number of the trainees did not have the opportunities of operating the device. In some few cases, those that received training were replaced with those that have no proper idea of the effective use of the device. All of these led to the poor handling of the card reader during the elections to the extent that the protective film of some the card readers were not removed thereby leading to the impossibility of the device to detect thumbprints in some cases.

Card reader breakdown was also witnessed during the elections. Some of devices malfunctioned on the day of election. Though, INEC had provided back-up in case of any card reader breakdown. However, some of the back-up failed to also function. For instance, five 17 card readers were deployed for use at the polling unit of the

Presidential Candidate for PDP in Bayelsa State yet none of them functioned. Similarly, the card reader at the polling unit of the Vice-Presidential Candidate of APC was non-functional.

A number of the smart card readers were not smart to function effectively. A few of the card readers were unable to function due to blank screen, non activation of the Subscriber Identification Module (SIM) card in the device and low battery. Some INEC officials according to Ekumen (2015) attributed the failure of the card readers to INEC engineers who could not decode the inbuilt security installation in the card reader. The security code in the card reader is reportedly designed to update the time and date of voting. One official claimed that the cards were initially programmed for February 14 that with the postponement to March 28, some of the cards readers had not been re-programmed.

In table 4, all items had mean ratings above 2.50. Verify if minimum system requirement is met (2.55), verify the reader's status under Device Manager (2.72), option to try other USB ports (2.84), change the drive letters (2.93), confirm your memory card can appear as a drive letter (2.63), install Card Recovery on your computer (3.08), do not remove memory card during photo saving and viewing (3.04), do not change memory card when the camera is on (2.65), stop taking/viewing new pictures on battery low (2.65) and try inserting a different card (2.50) were agreed by respondents to be options for handling card readers. This means there are solutions to solving card reader problems during elections.

Table 5 shows the chi-square result on the credibility of elections. The Chi-square calculated (X-cal) was 2.71 and the chi-square tabulated (X-tab) was 2.69 ($p=2.71>2.69$) with a degree of freedom 9. This is an indication that smart card reader has credibility on the conduct of the 2015 general elections in Nigeria. The null hypothesis which states that there is no credibility in the use of Smart Card Reader (SCR) in Nigerians 2015 general elections is rejected and the alternative hypothesis which states that there is credibility in the use of Smart Card Reader (SCR) in Nigerians 2015 general elections is therefore upheld.

This finding confirms with a study conducted by Alebiosu (2015) on Smart Card Reader and the 2015 General Elections in Nigeria in Federal University Wukari, Nigeria. This paper therefore examines the debate and the role of the card reader in the 2015 general elections. The paper also looks at the challenges and impact of the card reader on the election. The paper argued that considering the massive electoral fraud witnessed in general elections since Nigeria's independence, the card reader should be used for future elections.

The paper also revealed that despite the challenges that confronted the operation of some of the smart card readers during the 2015 general election, a significant impact of the device usage was observed after the

elections. First, the use of the card reader led to the increase and reinforcement of public confidence and trust in the electoral process. This public confidence is dependent on the integrity of an election which the 2015 general election appears to possess.

Majority of Nigerians after the elections believed that their votes could count and as such their will could be respected in future elections; and this has reinforced the legitimacy of Nigerians in the democratic process. Secondly, electoral fraud was reduced. Inflation of the number of voters present and multiple voting at polling stations were reduced. The device checked the undemocratic attitude of politicians in polling booth electoral malpractices.

Thirdly, election litigations were minimized. There was a departure from the past where every election outcome is being contested at the election tribunal. Most of the candidates that lost in the 2015 general election did not challenge the outcome. In fact, some of the major contenders that did not win in the election embraced and congratulated the winners. For instance, the PDP presidential candidate immediately congratulated the APC presidential candidate, the winner of the presidential election. This attitude also happened across many states of the federation in the governorship and house of assembly elections and national assembly elections.

In addition, electoral conflicts and violence was very minimal as the election was seen to be transparent and credible due to the use of the card reader. The usually excessive and pointless attacking and degrading between the election winners and losers in past electoral contest was significantly reduced. In view of the minimal level of electoral fraud due to the use of the card reader, tensions were reduced among the political gladiators, and as such, electoral conflict and violence was grossly diminished in the 2015 general elections outcome compare to past elections in Nigeria.

The paper further stressed that Nigeria's democratic capacity has increased and its democratic institutions strengthened. Nigerians and Nigeria's democratic institutions now understood the knowledge needed to have a free and fair election in order to deepen the democratic process. Consequently, subsequent general elections in Nigeria should gradually continue to be technologically driven.

CONCLUSION

The introduction of technology has resulted to incremental development in Nigerian electoral process. An example of incremental development is the gradual replacement of manual voter register with smart card reader. The evolution of smart card reader technology marks the significant development of electoral systems in many counties like USA. The use of technologies by

INEC is as a result of electoral malpractices experienced in past elections which lead to poor governance in the country.

RECOMMENDATIONS

Based on the findings of this study, the following recommendations are made:

1. All Nigerians should accept the use smart card readers in the conduct of elections at all levels.
2. Both INEC and Adhoc staff should be properly trained on the use of smart card readers to eliminate the challenges experienced in the 2015 general elections.
3. INEC should insist on the use trained personnel in smart card reader. There should be no substitution of electoral personnel by politicians during elections.
4. Proper electricity to power smart card battery be put in place in all polling units across the country
5. Electorates should be given proper orientation on the use of smart card readers

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