

WESTERN DEONTOLOGY VERSUS EASTERN CONSEQUENTIALISM: DOES RWANDA NEED DEMOCRACY AS *SINE QUO NON* TO ACHIEVING ECONOMIC DEVELOPMENT?

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Abstract

Whether democracy is a prerequisite to countries that aspire to achieve economic freedom is fodder for academics. Rwanda has been, in the past years, criticised for suppressing the civil and political rights of its citizens in its quest for economic development. One major critic accuses the President of chronic cronyism, manipulated elections, and using exaggerations, half-truths, outright fabrications, misinterpreted data, and inflated figures to tell its success story. Rwanda is hailed as one of the fast-rising developing countries, following the footprints of its East Asian counterparts, the China and the Singapore. Rwanda's case raises a number of issues: must economic development and democracy be achieved simultaneously? Besides, is a government that prioritises economic development over civil and political rights sustainable? These are some of the issues that this paper sets out to examine.

Keywords: Economic Development, Democracy, Deontology, Consequentialism, Development, Civil Rights

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1.0 Introduction

Rwanda launched an indomitable mission in 2000 aimed at transforming its economy into an ‘African economic power-house.’¹ So far, President Kagame of Rwanda has been credited with being a ‘peace-maker’ and the ‘father’ of development to Rwanda.² Through his Rwanda Vision 2020³ and its companion plan, the National Information and Communications Infrastructure (NICI),⁴ President Kagame has arguably managed to transform the Rwandan economy from a subsistence one to a state-of-the-art knowledge-based one.⁵ Equating Rwanda to Asia’s economic ‘tiger’, (Singapore), the President acknowledged Rwanda’s unique experience which is capable of defining its own destiny.⁶ In resplendent terms, while attempting to crow of its own achievements in Boston, President Kagame had this to say:

Did you know that in 2011, in the World Economic Forum Global Competitiveness Index, Rwanda ranks the third in Africa and the first in the East African region and moved up seven places globally? Did you know that Rwanda was ranked among the top most corrupt-free countries in Africa and in the whole world, among the top? ...We are also the most improved country in doing business reforms, among the top in the world. Between 2006 and 2011, we lifted one million people out of poverty...I could go on and on until the cows come home.⁷

However, despite these evident success stories, critics of the “Rwandan self-proclaimed Messiah” advance a theory that the government cannot sacrifice democracy and other human rights at the altar of economic development.⁸

¹ David Himbara, *Kagame’s Economic Mirage* (2016) 65.

² Ibid (n 2).

³ The Rwanda Vision 2020 outlines key pillars of its vision 2020 to include good governance and a capable state; human resource development and knowledge-based economy; a private sector-led economy; infrastructure development; productive and market-oriented agriculture; regional and international integration. Also outlined are cross-cutting areas of Vision 2020 which include gender equality; protection of the environment and sustainable natural resource management; and science and technology, including ICT, available at <https://greenknowledgeplatform>nationaldocuments>rwanda-vision2020>, accessed on 28 April 2019.

⁴ ECA ‘*National Information and Communication Infrastructure: Best Practices and Lessons Learnt*’, available at www.repository.uneca.org, accessed on 30 April 2019; See also United Nations ‘*Big Dreams for Rwanda’s ICT Sector*’, available at <https://www.un.org>, accessed on 30 April 2019.

⁵ Himbara (n2) 1.

⁶ Paul Kagame, ‘Rwanda and the New Lions of Africa’, *The Wall Street Journal*, available at <https://www.wsj.com>, accessed on 26th April 2019.

⁷ Paul Kagame, “Rwanda Day”, available at <https://paulkagame.com>, accessed on 26 April 2019.

⁸ Susan Rice, “Building a New Nation: Rwanda’s Progress and Potential”, (speech, Kigali Institute of Science and Technology, November 23, 2011), available at <https://therwandan.com>, accessed on 26th April 2019.

Others have made it clear that ‘what Rwanda needs is democracy and not development clichés’.⁹ These claims were advanced after Rwanda amended its Constitution to introduce a totalitarian form of governance that grants the President excessive and unchecked powers.¹⁰ Several other allegations leveled against President Kagame include chronic cronyism, elimination of potential competitors, accumulation of wealth, both within and outside Rwandan boundaries, and intimidation of the local populace by the security forces who are at the command of the president.¹¹ Despite such criticism, credit must be given to the government that has achieved 50% representation for women in Parliament.

In contributing to this intellectual discourse, this paper seeks to answer the question: should democracy, as believed by the West,¹² be a *sine qua non* for realisation of economic development in Rwanda (deontology), or, as is the practice in the East,¹³ should economic development be achieved at whatever cost (consequentialism)? In addition, this paper will seek to find out, through descriptive, desktop, immanent critique, and explorative research, whether a regime that promotes economic development at the expense of democratic values is sustainable or not? In answering these questions, this paper hypothesises that Rwanda, following in the footsteps of Singapore, and given its unique experience in post-independence poverty and genocide era, is legally allowed under international law to pursue its economic development objectives without unnecessarily burdening itself with meeting its (immediate) civil and political rights obligations. This is so because ‘democracy, a political right, is a luxury that can be afforded only after the hard task of economic development has been achieved.’¹⁴

⁹ *The Rwandan Magazine* “Rwanda needs democracy and not development cliché” dated 20th July 2012, available at <https://therwandan.com>, as accessed on 26th April 2019.

¹⁰ An example of such amendment is seen in the Constitution of Rwanda Article 113 that empowers the president to, *inter alia*, issue national currency; establish the responsibilities of organs of the Office of the President, Senate, and Supreme Court; promote and appoint both the senior and junior officers of the Rwanda Defence Forces.

¹¹ Himbara (n1) p. 102.

¹² By this the author refers to the liberal democracy in the Contemporary Western Europeans and Americans.

¹³ Here the author refers to the East Asian countries which include China and Singapore.

¹⁴ Przeworski A., Alvarez M., Cheibub J., & Limongi F. “Democracy and Development: Political Institutions and Well-Being in the World, 1950-1990” Cambridge University Press 2006, p 2.

2.0 Right to Development in Rwanda

The right to development is a ‘pivotal space to introduce human rights into the process of development.’¹⁵ It can be equated to a Martens Clause in that in the absence of law, its existence still stems from the principles of humanity and public conscience.¹⁶ As Kant narrates, a state’s deontological ethics obligates it to treat its people as an end to its existence, and in so doing, should be guided by their legal obligation to provide for their peoples their basic human needs.¹⁷

Several international law instruments mandate states to ensure that they strive towards achieving development, which can be divided into three facets: economic, social and cultural.¹⁸ The categorisation was essential due to the unique experience that the African continent had during the colonial and post-colonial era that led to emerging colonies growing on their own terms. As such, in order to compete with their colonisers, African countries had to embark on a journey to economic freedom, again, on their own terms. Ideally, such economic development should be based on equity, participation, non-discrimination, accountability, and transparency,¹⁹ creating conditions that are conducive to peoples’ development.²⁰

2.1.0 International Legal Instruments

Internationally, the World Trade Organisation recognises the ‘need for positive efforts designed to ensure that developing countries, and...least developed countries...secure a share in the growth in international trade commensurate with the needs of their economic development.’²¹ The WTO seeks to centralise the interests of these developing and developed countries and as such, ‘reaffirm the centrality of development in the WTO’s work...’²²

¹⁵ Theo van Boven, the Director of the United Nations Division of Human Rights, 1980.

¹⁶ Hallgren R ‘The UN and The Right to Development’ 23(1) Peace Research [1990/1991] 40.

¹⁷ Adeola Romola, ‘The Right to Development under the African Charter: Is There an Extraterritorial Reach?’ in Perspectives on the Right to Development Journal, Centre for Human Rights (2018).

¹⁸ Ibid.

¹⁹ *Centre for Minority Rights Development & Others v Kenya Endorois Case* (2009) AHLR 75 pa 277.

²⁰ *Endorois Case* par 298.

²¹ Marrakesh Agreement Establishing the World Trade Organization, Preamble, par 2.

²² Nairobi Ministerial Declaration: WT/MIN (15)/DEC, adopted on 19 December 2015 par 6 & 7.

In addition, the UN Declaration on the Right to Development in its article 1(1) stipulates that the ‘right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realised.’²³ Further, such right ‘implies the full realisation of the right of the peoples to self-determination which includes, subject to the relevant provisions of both the International Convention on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.’²⁴

In addition, it empowers states to formulate appropriate national development policies aimed at constantly improving the well-being of their population.²⁵ It is noteworthy that the UN Declaration is a mere declaration, as such, contributing to the international legal discourse as soft law.²⁶ Further, the Universal Declaration of Human Rights (UDHR) guarantees every human being all the rights under the Declaration.²⁷ It should be noted that the UDHR does not specifically provide for the right to development. However, it provides for the right to a proper standard of health and well-being including, inter alia, food security, social services, housing, and medical care.²⁸

The International Covenant on Economic Social and Cultural Rights (ICESCR) is the international legal instrument that broadly protects the right to development. It cements the right by providing for the right to self-determination and the right of the people to freely determine their political status.²⁹ Further, such a right to development is for the equal enjoyment of both men and women.³⁰ Under the Convention, the right to economic

²³ United Nations Declaration on the Right to Development General Assembly Resolution 41/128, UNGA 3rd session UN Doc A/RES/41/128 (1986) of 4 December 1986.

²⁴ Ibid, article 1 (2).

²⁵ Ibid, article 2 (3).

²⁶ O O Oduwole ‘Africa’s contribution to the advancement of the right to development in international law’ in CC Jalloh & O Elias (eds) *Shielding Humanity: Essays in International Law in Honour of Judge Abdul G Koroma* (2015) 566.

²⁷ Universal Declaration of Human Rights, art 2.

²⁸ Universal Declaration of Human Rights, art 25 (1).

²⁹ International Covenant on Economic Social and Cultural Rights adopted by General Assembly Resolution 2200A (XXI) of 16 Dec 1966 Art 1(1).

³⁰ Ibid, art 3.

development involves continuous improvement in living standards.³¹ Noteworthy, the ICESCR permits its Members to progressively attain the right to development,³² in accordance with each Member's resources.³³ The International Convention on Civil and Political Rights (ICCPR), in echoing the ICESCR, guarantees people their right to self-determination³⁴ permitting them to 'freely determine their political status' besides freely pursuing their right to economic development.³⁵

2.2.0 Regional Legal Instruments

Regionally, in 1981, in the Organisation for African Unity (OAU) meeting in Nairobi, African leaders asserted that the African people 'have the right to their economic, social and cultural development with due regard to their freedom and identity...'³⁶ Consequently, with the subsequent change of the OAU in July 2002 to the African Union, the African Union in its Banjul Charter echoed the obligation by cementing this right to development, mandating states to individually and collectively exercise it.³⁷ Sengupta argues that the right to development can be achieved only if the process is guided by human rights principles and the outcome by human rights standards.³⁸ However, this paper asserts that, the African Charter, by failing to indicate how the right is to be exercised,³⁹ bestows upon its Member States the freedom to interpret the right in their national jurisdictions and to freely pursue their economic development according to their freely chosen policies.⁴⁰

³¹ Ibid, art 11.

³² Ibid, art 2(1).

³³ Emphasis mine.

³⁴ Common Article 1(1) of the International Convention on Civil and Political Rights, adopted by the General Assembly Resolution 2200A (XXI) of 16 Dec 1966.

³⁵ Ibid, Common art 1 (1).

³⁶ African Charter on Human and Peoples' Rights adopted by the Organization of African Unity OAU Doc CAB/LEG/67/3 27 June 1981.

³⁷ African Charter on Human and Peoples' Rights (African Charter), adopted in Nairobi on 27 June 1981 OAU Doc CAB/LEG/67/3, art 22.

³⁸ Sengupta A 'The Human Right to Development' *Oxford Development Studies* 183 (2004) 32.

³⁹ Ngwatu M G 'The Right to Development in Uganda: Myth or Reality?' in *Perspectives on the Right to Development Journal*, Centre for Human Rights (2018).

⁴⁰ African Charter on Human and Peoples' Rights (African Charter), adopted in Nairobi on 27 June 1981 OAU Doc CAB/LEG/67/3, art. 20 (1).

2.3.0 Domestic Framework

Within its domestic framework, Rwanda aims at having its pride worth its esteem.⁴¹ Similarly, the Rwanda Vision 2020 outlines key pillars to include good governance and a capable state; human resource development and knowledge-based economy; a private sector-led economy; infrastructure development; productive and market-oriented agriculture; regional and international integration. Also outlined are cross-cutting areas of Vision 2020 which include gender equality; protection of the environment and sustainable natural resource management; and science and technology.⁴² In addition, the National Information and Communications Infrastructure (NICI) policy provides for, *inter alia*, ‘analysis of the current socio-economic situation of Rwanda; identification of the key socio-economic developmental challenges facing Rwanda; review of efforts made in the past to address the identified developmental challenges; review and analysis of national socio-economic development policies, programmes and long-term development frameworks, (e.g. the Rwandan Vision 2020)’.⁴³

3.0 Situational Analysis of Right to Development vis-à-vis Democracy in Singapore: A Comparative Jurisprudence

The Republic of Singapore is located on the Malay Peninsula in South East Asia.⁴⁴ It has a tropical climate characterised by hot and humid weather conditions.⁴⁵ The three major groups in the country are Chinese, Malays and Indians.⁴⁶ However, the island has four official languages which are: Malay, Tamil, English, and Mandarin.⁴⁷ Demographically, with a population of over 5.8 Million people (2019), it has a density of just over 8,157 people per square

⁴¹ Rwanda national anthem.

⁴² The document is available at <https://greenknowledgeplatform>nationaldocuments>rwanda-vision2020>, accessed on 28 April 2019.

⁴³ ECA National Information and Communication Infrastructure: Best Practices and Lessons Learnt, available at www.repository.uneca.org, accessed on 30 April 2019; See also United Nations “Big Dreams for Rwanda’s ICT Sector”, available at <https://www.un.org>, accessed on 30 April 2019.

⁴⁴ Available at www.atlapedia.com, accessed on 28 April 2019.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Available at <https://worldpopulationreview.com>, accessed on 28 April 2019.

kilometer.⁴⁸ Its annual growth rate is 2.5%, with the Total Fertility Rate being 1.2.⁴⁹ Singapore enjoys an average life expectancy of 82 years.⁵⁰ It had a GDP per capita of over \$57713.3⁵¹ with an average annual income of a Singaporean growing from \$500 in 1965 to \$55,000 in 2015.⁵²

In 2018, the World Economic Forum ranked Singapore second in its Global Competitiveness Index.⁵³ The report graded Singapore's institutions (80.7), infrastructure (95.7), ICT adoption (85.2), macroeconomic stability (92.6), health (100.0), product market (81.2), financial system (89.3) market size (71.1), business dynamism (74.7) and innovation capability (75.0).⁵⁴ In the same vein, the Economist Intelligence Unit ranks it the best place to do business due to the effort the government of Singapore puts in order to strengthen the business environment.⁵⁵ Such efforts include, *inter alia*, helping its private sector improve in terms of technology, enabling them to compete well in the international markets.⁵⁶ Also contributing to the high rating, as per the Economist, is the political stability the country enjoys, with a 'technocratic approach to economic management.'⁵⁷

Regarding its effectiveness to govern itself, it takes into account the World Bank's Governance Indicators metrics like voice and accountability, political stability and absence of violence, rule of law, regulatory quality and control of corruption.⁵⁸ Singapore is also categorised as a high-income country.⁵⁹ The country, ranked in the top 10, leads the ilk of the United States in preventing

⁴⁸ Available at <https://worldpopulationreview.com>, accessed on 28 April 2019.

⁴⁹ Ibid; figures as per 2011.

⁵⁰ 2011 World Factbook (2011), available at www.cia.gov, accessed on 28 April 2019.

⁵¹ World Economic Forum, available at <https://reports.weforum.org>, accessed on 28 April 2019.

⁵² Graham Alison 'Lee Kuan Yew Conundrum' in *The Atlantic Magazine* dated 30 March 2015, available at <https://Lee%20Kuan%20Yew's%20Challenge%20to%20Democracy%20-%20The%20Atlantic.html>, as accessed on 28 Apr. 19.

⁵³ World Economic Forum awarded Singapore 83 points in the Global Competitiveness Index ranking it 2nd out of 140 countries in 2018, available at <https://reports.weforum.org>, as accessed on 28 April 2019.

⁵⁴ Ibid.

⁵⁵ The Economist Intelligence Unit, available at <https://country.eiu.com>, as accessed on 28 April 2019.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Worldwide Governance Indicators project, available at <https://info.worldbank.org>, as accessed on 28 April 2019.

⁵⁹ The World Bank Data on Singapore, available at <https://data.worldbank.org>, as accessed on 28 April 2019.

corruption and graft.⁶⁰ In addition, according to the 2014 Gallup World Poll, only 8% of Singaporeans think their government is corrupt, unlike the United States where 75% of its citizens think the USA government is corrupt.⁶¹ This economic transformation to being Asia's economic 'tiger' is attributable to the three decades post-independence period in 1965 under the premiership of Lee Kuan Yew who transformed the port city into a leading exporter of high-technology goods.⁶²

Predictably, Singapore is ranked among the bottom half on matters of democratic participation and liberties.⁶³ This is attributable to the period under the leadership of Lee Kuan Yew who ran the government under 'tight' political principles that, according to the West, do not amount to democracy. According to the World Bank Governance Indicators report, 'Singapore is not an electoral democracy...Opposition campaigns have typically been hamstrung by a ban on political films and television programs, the threat of libel suits, strict regulations on political associations, and the People's Action Party's influence on the media and the courts.'⁶⁴

In stark contrast, the United States of America scooped high points on democracy, being among the freest countries in the world.⁶⁵ However, as seen above, on matters doing business and prevention of corruption, Singapore performed better than the USA despite its non-democratic credentials. This begs the question: is it better to have dysfunctional democracy or a benevolent dictatorship? The answer to this question depends on an individual's Western veneration and a country's dependency to the West. Most contemporary Western Europeans and Americans will answer this question in the affirmative.⁶⁶ To them, that a government can succeed in achieving economic development without upholding civil and political rights is heretical.⁶⁷

However, according to Lee Kuan Yew, the ultimate test of the value of a political system is whether it helps that society establish conditions that

⁶⁰ Graham Alison (n 52)

⁶¹ Available at <https://news.gallup.com>, accessed on 28 Apr. 19.

⁶² Freedom House, '*Singapore 2012 Scores*', available at https://singapore%20_%20Freedom%20House.html, accessed on 28 April 2019.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Graham Alison (n 52).

⁶⁶ Ibid.

⁶⁷ Ibid.

improve the standard of living for the majority of its people. He paid more attention to his people's increasing income, class, health, security, and economic opportunity. Supported by one of his fellow Singaporeans, Calvin Cheng, he reiterated that '[f]reedom is being able to walk on the streets unmolested in the wee hours in the morning, to be able to leave one's door open and not fear that one would be burgled. Freedom is the woman who can ride buses and trains alone; freedom is not having to avoid certain subway stations after night falls. Freedom is living in one of the least corrupt societies in the world, knowing that our ability to get things done is not going to be limited by our ability to pay someone... And we have all of these... whilst also being one of the richest countries in the world.'⁶⁸ Calvin denies the allegations that Lee Kuan Yew sacrificed Singapore's civil liberties at the altar of economic success.⁶⁹

In order to understand the history of such division between the West and the East regarding economic development vis-à-vis civil and political rights, it is important to lay the foundation on how the politics of economic development evolved.

4.0 The Politics of the Right to Development

A regime is 'a system of rules and practices that determine who has political rights, how they can be exercised and with effects for the control over the state.'⁷⁰ Three major pieces of literature explain the different forms of regimes:⁷¹ limited regimes and despotic regimes,⁷² autonomy and heteronomy,⁷³ or competitive government.⁷⁴ Some regimes allow, albeit in piecemeal, some competition among conflicting interests whereas others suppress such interests

⁶⁸ Calvin Cheng 'The West has it totally wrong on Lee Kuan Yew' in *The Independent*, available at <https://www.independent.co.uk/voices/comment>, accessed on 28 April 19.

⁶⁹ Ibid.

⁷⁰ Cardoso F & Faletto E, *Dependency and Development in Latin America*, (University of California 1979) 38.

⁷¹ Bobbio Norberto, *Democracy and Dictatorship*, (Minneapolis: University of Minnesota Press 1989) 100-125.

⁷² Montesquieu [1995 [1748].

⁷³ Kelsen Hans *General Theory of Law and State*, (Cambridge, MA: Harvard University Press 1945).

⁷⁴ Schumpeter Joseph A, *Capitalism, Socialism, and Democracy*, (London: George Allen & Unwin 1942).

by the use of threat or, in extreme measures, actual force.⁷⁵ This paper adopts the former definition to define a democratic regime and the latter for a despotic or dictatorial regime.

Several scholars have attempted to define “democracy” in their own way. A keen scrutiny of these multitudinous definitions exposes how “democracy” has become ‘an altar on which everyone hangs his or her favorite *ex-voto*’.⁷⁶ Democracy has been associated with almost all prudent features of political and socio-economic facets: accountability, participation, checks and balances, freedom, etc.⁷⁷ However, is democracy a prerequisite in achieving the other human rights, for example, right to economic development?

The need for recognition of the right to development has its origins in Africa.⁷⁸ According to M’baye, ‘every man has the right to live and to live better.’⁷⁹ This was a sentiment shared by the developing countries of the Global South in the 1970s, who were determined to form and codify a New International Economic Order (NIEO).⁸⁰ The rationale for the NIEO was to challenge the economic *status quo* by, *inter alia*, championing for preferential treatment on matters of trade in favour of developing, least-developed and landlocked countries.⁸¹ The NIEO was then codified in the NIEO Declaration adopted by the UN General Assembly on 1 May 1974 in which developing countries affirmed:

Based on equity, sovereign equality, interdependence, common interest and co-operation among all states, irrespective of their economic and social systems which shall correct inequalities and redress existing injustices, make it possible

⁷⁵ Supra n1 (15).

⁷⁶ Macpherson C B, ‘*The Real World of Democracy*’ (Oxford: Clarendon Press 1966) 1 “Democracy used to be a bad word. Everybody who was anybody knew that democracy, in its original sense of rule by the people or government in accordance with the will of the bulk of the people, would be a bad thing – fatal to individual freedom and to all graces of civilized living. That was the position taken by pretty nearly all men of intelligence from the earliest historical times...Then...democracy became a good thing.”

⁷⁷ Himbara (n1) 14.

⁷⁸ C C Ngang, ‘Towards right-to-development governance in Africa’ (2018) (1) *Journal of Human Rights* 17, 111.

⁷⁹ K M’baye ‘Le Droit au development comme un droit de l’homme’ (1972) 5 *Revue des Droit de l’Homme* 503, cited in ID Bunn ‘The Right to development: Implications for international economic law’ (1999) 15 *American University International Law Review* 1433.

⁸⁰ ID Bunn ‘The Right to development: Implications for international economic law’ (1999) 15 *American University International Law Review* 1433.

⁸¹ Phoebe Oyugi ‘The Right to Development in Africa: Lessons from China’ [2018] *Journal of Human Rights* 275.

to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generations...⁸²

As a supplement to the NIEO Declaration, the General Assembly adopted the Charter of Economic Rights and Duties of States which imposed upon the developed states the obligation to assist their developing counterparts to bridge the economic gap.⁸³ The cross-cutting rationale for such imposition of an obligation to assist developing and least-developed countries was that developed countries played a big role in widening the economic bridge between the North and South through ‘colonial domination, apartheid, racial discrimination, and neo-colonialism’, which impeded the development of the southern countries.⁸⁴

Unsurprisingly, the Northern countries rejected the NIEO and its impositions, thus leading to perennial debates between the two ends.⁸⁵ However, despite the rejection, the debate helped build a foundation for the UN Declaration⁸⁶ which still imposes on states the obligation to realise their rights and fulfil their duties in such a manner as to ‘promote a new international economic order based on sovereign equality, interdependence, mutual interest and co-operation among all states, as well as to encourage the observance and realisation of human rights.’⁸⁷ Despite its adoption, intellectual discourses on the right have been highly politicised between the two poles.⁸⁸

Marks analysed states’ voting patterns at the UN General Assembly and the Commission on Human Rights and came up with four categories of voting blocs.⁸⁹ The first category contained the active members of the Non-Aligned

⁸² Declaration on the Establishment of a New International Economic Order Resolution A/RES/S-6/3201, adopted by the General Assembly on 1 May 1974.

⁸³ Charter of Economic Rights and Duties of States Resolution A/RES/29/3281, adopted by the General Assembly on 12 December 1974.

⁸⁴ Phoebe Oyugi ‘The Right to Development in Africa: Lessons from China’ [2018] *Journal of Human Rights* 275.

⁸⁵ GS Vargas *The New International Economic Order Legal Debate: Background, Status, and Alternatives* (1983) 42-43.

⁸⁶ United Nations Declaration on the Right to Development General Assembly Resolution 41/128, UNGA 3rd session UN Doc A/RES/41/128 (1986) of 4 December 1986.

⁸⁷ *Ibid*, art 3(3).

⁸⁸ S Marks ‘The Right to development: Between rhetoric and reality’ (2004) 17 *Harvard Human Rights Journal* 137.

⁸⁹ *Ibid*, 141.

Movement (NAM) in the Working Group of Governmental Experts on the Right to Development which comprises Algeria, Bangladesh, Bhutan, China, Singapore, Cuba, Egypt, India, Indonesia, Iran, Malaysia, Myanmar, Nepal, Pakistan, the Philippines, Sri Lanka, and Vietnam.⁹⁰ The main objective of this group was to reduce inequities of international trade, adverse effects of globalisation, differential access to technology, and the crushing debt burden.⁹¹ The second group belonged to the ‘more moderate developing countries,’ that wanted to integrate the right to development and human rights in their domestic domain’s policies while maintaining their working relationship with donor countries and agencies.⁹² This is where most current developing countries, like Kenya and Tanzania, exist.

The third category consisted of those countries in transition and developed countries that wanted to use the right to development as a ‘vehicle to improve the dialogue between the developed and developing countries.’⁹³ Most of these countries form part of the European Union (EU) and were always ready to vote on resolutions relating to development on condition that ‘nothing particularly objectionable is inserted,’ to which they abstained in the event of any contrary resolution. The fourth category, which had the United States as its main protagonist, contained those countries that always voted against these resolutions.⁹⁴ Other states that were under the influence of the United States like Denmark and Japan also belonged to this category, depending on the context of the resolution.⁹⁵ From this categorisation, it is evident that the debate on the right to development is divided between the South that supports the right and the North that supports the right pegged on the outcome.⁹⁶

Other than states, scholars have also sharply disagreed on this right. Donnelly goes as far as warning that recognising the right to development can be dangerous.⁹⁷ In his own words, Donnelly alludes that ‘the right to development is a dangerous delusion that feeds off of, distorts, and is likely to

⁹⁰ Ibid.

⁹¹ Ibid, 141.

⁹² Ibid.

⁹³ Ibid.

⁹⁴ S Marks ‘The Right to development: Between rhetoric and reality’ (2004) 17 Harvard Human Rights Journal 142.

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ J Donnelly ‘In Search of the Unicorn: the Jurisprudence and Politics of the Right to Development’ (1985) 15 California Western International Law Journal 473.

detract from the urgent need to bring together the struggles for human rights and development.’⁹⁸ Further, R. L. Sklar postulates that development is founded on a theory that democracy is a means to realise enhanced qualitative human life.⁹⁹ A closely related argument is advanced by the same author positing that positive developmental effects are pegged on developmental democracy.¹⁰⁰

Other dismal and self-satisfying prophecies of developmental democracy flow from the school of thought that if plagues of food insecurity, pestilence and unemployment continue to ravage the majority of a country’s populace, then remedial actions will surely be undertaken with zero regard to their adverse impacts on individual freedom.¹⁰¹ Another tired line that is deeply flawed and perhaps, illogical, is that property rights tend to be secured in the Western democracies compared to the fledgling countries.¹⁰² Perhaps a more mundane theory projected on the screens of the world history on pro-democratic development is that of Ake Claude who advises analysts not to compare African countries to the East Asians since the East Asian autocratic regimes are properly founded whereas most African countries are a ‘public force that should be the state but that is only nominally so because it is essentially privatised.’¹⁰³

On the other hand, it is opined that if less-developed countries are to achieve economic development then their citizens’ participation in the form of democracy ought to be limited.¹⁰⁴ Interestingly, in the capitalism versus socialism debate in Macpherson’s theory of democratic development (which this author considers being the strongest anti-democratic development literature), the author suggests that democratic development is an ‘inverted image of a constricted theory of democracy that simply disregards the effect of social inequality on citizenship.’¹⁰⁵

⁹⁸ Donnelly (478).

⁹⁹ R L Sklar ‘Towards a Theory of Developmental Democracy’ 41 in *Democracy and Development Journal* 25.

¹⁰⁰ R. L. Sklar Developmental Democracy. *Comparative Studies in Society and History* [1987] 29(4) 686-714 cited in *Democracy and Development Journal* p28.

¹⁰¹ Supra n. 98, p 26.

¹⁰² Clague C, ‘Democracy, Autocracy, and the Institutions Supportive of Economic Growth’ *Institutions and Economic Development Journal* 91-120.

¹⁰³ Ake C, ‘Democracy and Development in Africa’, [1996] 129.

¹⁰⁴ La Palombara ‘*The Bureaucracy and Political Development*’ (Princeton, N J: Princeton University Press 1963) 57.

¹⁰⁵ Macpherson C B, *Democratic Theory: Essays in Retrieval*, (Oxford: Clarendon Press)

In addition, according to Gastil and Raymond, they distinguish between civil and political rights, relating them to economic rights.¹⁰⁶ They refute the lame and ritualistic repeated claim that ‘political instability threatens the security rights, inducing uncertainty, thus reducing investment.’ They opine that a country, like Botswana, might scrupulously uphold political and civil rights to vote and speech yet still have a dominant political party.¹⁰⁷ Further, they advance, that a country, for example, India and Jamaica, might uphold such political and civil rights but still have a government that is corrupt and economically unequal. In contrast, they posit, that an authoritarian regime may improve the economic standards of a country by establishing individual property rights, improving health standards, promoting food security but when threatened by critics, may curtail, to a certain extent, the critic’s right to freely express themselves.¹⁰⁸ They conclude by stating that long-duration autocracies provide better property rights than their short-duration counterparts.¹⁰⁹

The rationale behind this submission is that a dictator who gets into power not expecting to stay for long will act as a roving bandit who has no regard for property rights, neither uphold contract obligations, thus, a disincentive to investors.¹¹⁰ On the other hand, a dictator that gets to power expecting to stay in power for long, going to the extent of exercising massive cronyism, has an incentive to respect property rights to encourage his citizens to produce more than the dictator can tax in order to spend on other sectors of the economy.¹¹¹ This is the example of China and Singapore. Based on these submissions, democracy, or otherwise, is not a guarantee for property rights. It is a debate that has for far too long been shrouded in ideologically motivated confusion.

¹⁰⁶ Gastil, Raymond D, *Freedom in the World* New York: Freedom House cited in Clague C. & Others ‘Democracy, Autocracy, and the Institutions Supportive of Economic Growth’ *Institutions and Economic Development*, (The Johns Hopkins University Press) 91.

¹⁰⁷ Ibid, 114.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ Gastil, Raymond D. *Freedom in the World* New York: Freedom House in Clague C. & Others ‘Democracy, Autocracy, and the Institutions Supportive of Economic Growth’ *Institutions and Economic Development* (The Johns Hopkins University Press) 91.

¹¹¹ Ibid.

5.0 Settling the Right to Economic Development versus Civil and Political Rights Discourse

In demystifying the co-existence of civil/political rights and economic development debate, Gordon White avoided the unhelpful approaches of asserting the primacy of human rights in evaluating economic development and confining civil and political rights to democracy.¹¹² He avoids such an approach since in so doing, the result, *ab initio*, is always in favour of democracy.¹¹³ In disqualifying the tendency of having an ‘instrumental’ view of political systems by evaluating their ability to promote socio-economic rights, the author also discourages against advancing theories that simply because an authoritarian regime, like that of Lee Kuan Yew of Singapore and Mao of China, has achieved economic rights should not be the basis upon which democracy is trampled on.¹¹⁴ This is because this approach ignores the importance of immediately promoting civil and political rights.

Another approach to avoid while analysing the civil/political versus economic development rights is to ‘avoid making judgments on hypothesised trade-offs between nature of the political regime and economic regime.’¹¹⁵ The rationale is that an authoritarian regime may successfully achieve economic rights but that alone ‘does not remove democracy goals from the agenda since democracy as a right is a fundamental facet of ‘development.’¹¹⁶ The last approach to avoid in this debate, according to Gordon, is to avoid a purely normative approach.¹¹⁷ On this approach, the author advises that however desirable a fast transition to democracy may be in certain circumstances, the existence of, for example, underlying political barriers and need to protect fundamental norms may make such transition infeasible.¹¹⁸

In concluding his submissions, the author focuses on broadening the rights and freedoms which include social, economic, civil and political, and

¹¹² G White, *Development and Democratization in China*, (Democracy and Development, Cambridge MA) 210.

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ G White, *Development and Democratization in China*, (Democracy and Development, Cambridge MA) 210.

¹¹⁷ Ibid.

¹¹⁸ G White, *Development and Democratization in China*, (Democracy and Development, Cambridge MA) 210.

further supplements the language of rights with the language of welfare in order to determine the developmental performance of the different regimes.¹¹⁹ Doing so would ‘allow a reasoned case to be made in favour of non-democratic regimes in certain circumstances and democratic ones in others.’¹²⁰ To back up his statement, he analyses the feasibility of democratisation in China. Gordon advances a theory that one should take into account the a) historical b) cultural c) social and d) material factors of a country.¹²¹ He pens that, historically, China has no history of a functioning democracy, thus making democratisation an almost impossible mission.¹²² The fault in this argument is that a country should not fail to do X simply because it has not done X before. On culture, China’s political culture is not conducive to democracy because it has deep and popular obedience to authoritarianism. A counter-argument to this proposal is similar to the one on history. In Singapore, despite the three post-independence decades of authoritarianism under Lee Kuan Yew, there has been an upsurge for the need for liberalisation in the political spheres. However, such critics have often been silenced through endless litigation for libel till the critics run bankrupt.¹²³

As to material factors to be considered, Gordon quotes Kitching who advances that in a country that has a vast majority of its population engaged in an unceasing pursuit to achieve more and lack the time and energy to participate in active politics will end up having a non-democratic regime.¹²⁴ Kitching states that ‘it is impossible to construct meaningful democratic societies... in materially poor societies because of the need for the poor to bend both physical and intellectual efforts to either mere survival or to the attainment of a minimal degree of security and upward mobility in a sea of poverty’.¹²⁵ In poor countries, the majority of the population play passive politics.¹²⁶ If this

¹¹⁹ Ibid, 210.

¹²⁰ Ibid.

¹²¹ Ibid, 217.

¹²² Ibid.

¹²³ Calvin Cheng ‘The West has it totally wrong on Lee Kuan Yew’ in The Independent, available at <https://www.independent.co.uk/voices/comment>, accessed on 28 Apr. 19.

¹²⁴ G White, *Development and Democratization in China*, (Democracy and Development, Cambridge MA) 218. See also Kitching G. *Rethinking Socialism: A Theory for a Better Practice* (London: Methuen).

¹²⁵ Kitching G, *Rethinking Socialism: A Theory for a Better Practice* (London: Methuen) 49-50.

¹²⁶ Ibid, p. 48-49.

argument is anything to go by, a rapid transition to democracy in China and Singapore that have almost similar political and economic history will result in two inevitable consequences. Either the politics realms will be dominated by a small number of powerful elites comprising the previous ruling leaders, educated and/or organised urban groups, the influential in the private sector and foreigners on one hand, or the bulk of the population comprising both the urban and rural populace will be disenfranchised, at least in reality and not in form.¹²⁷

Finally, regarding social factors, the consensus and the presence of the civil societies to underpin democratic institutions play a significant role in whether or not a regime will be authoritarian or not.¹²⁸ They are instrumental enough to impose severe strains in the transition to a new set of political arrangements.¹²⁹ Besides, both China and Singapore believe in a socialist state, and, thus, pay more attention to collective rather than individual rights.¹³⁰ According to Webster, the ‘individual does not lie at the heart of Chinese society, either presently or in traditional China. Like other Asian countries, China stresses on communitarian values, the importance of groups within a society and the state’s interests over those of an individual. From a rights perspective, China would prefer to buttress the rights of the entire community rather than permit an individual to assert rights against the state or community.’¹³¹

6.0 Right to Development in Rwanda: Lessons from Singapore

Development is revolutionary: it is in every aspect a clarion call for confidence. It is not for people who have no idea of what their unique identifier is. Neither is it for those who know not their past, for such people will hardly know how to forge ahead. Such knowledge is almost unique to every country. As for Singapore and Rwanda, they are countries with a fairly similar historical past. Both have a common drive aimed at achieving economic development. Both countries have, so far, some achievements to trumpet. Besides, they

¹²⁷ G White, *Development and Democratization in China*, (Democracy and Development, Cambridge MA) 219.

¹²⁸ *Ibid.*

¹²⁹ *Ibid.*

¹³⁰ T Webster, ‘China’s Human Rights Footprint in Africa’, (2012) 51 *Columbia Journal of Transnational Law* 633.

¹³¹ *Ibid.*

both took a non-democratic approach towards attaining their developmental goals, a concept considered schismatic. Despite the similarities, Rwanda is still fairly fledgling, whereas Singapore is economically mature. So, based on Singapore's experience, where is Rwanda not getting it right?

6.1.0 *Prioritise the Right to Development*

Rwanda has a legal right to develop economically without letting civil and political rights be an unnecessary burden. Just like Singapore, Rwanda has decided to prioritise its right to economic development over its civil and political rights. As seen above, even without exercising democratic principles, Singapore has succeeded in elevating its populace from poverty within a short span of time. On the other hand, developing countries, especially from the African-Caribbean-Pacific region that adhere to the contemporary Western European and American democratic formula, barely have any development to write home about. Rwanda has decided to try the East Asian approach, and whether that will work is pegged on time. However unappealing it may sound to the Western ears, the international community should remember it has the legal obligation to ensure that developing and least-developed countries develop economically.¹³²

6.2.0 *Ubuntu*

As alluded to earlier, Singapore is a communitarian state. Similarly, it is imperative that African countries adhere to the African Ubuntu: I am because we are, unlike the American approach of: 'I am because I am.'¹³³ African countries have been neo-colonised too much to the extent that they have no idea when it is time to stand on their own.¹³⁴ In its quest to democratise- and also as a prerequisite for Western aid – African countries copy-pasted the Western model of democracy and neglected and/or failed to build upon their own democratic traditions.

¹³² Nairobi Ministerial Declaration: WT/MIN(15)/DEC, adopted on 19 December 2015 para 6 & 7.

¹³³ George Ayittey, 'Why Western-style democracy is not suitable for Africa' CNN International Edition dated 20 August 2010, available at <http://edition.cnn.com/2010/OPINION/08/20/ayittey.democracy.africa/index.html>, accessed on 2 May 2019.

¹³⁴ JN Makumbi *Kintu* (2017) 336-337.

Economic development is like an infant: it grows daily. However, Africa's problem is that its development infant never grows, not because the infant cannot grow, but because the infant has been given the wrong "baby formula." As such, due to over-dependence on the West, the continent blindly follows the 'formula' given to it, without weighing the adverse impacts of such neo-colonialism. But it is not late yet. Rwanda has decided to weigh these adverse impacts by prioritising its economic development. The best the African Community can do for Rwanda is to stick to Ubuntu and support Rwanda in its quest for economic development at best, or remain silent and watch from afar as Rwanda achieves its objectives, at worst.

6.3.0 Self Determination

As seen above, regional and international legal instruments entitle Rwanda to pursue economic development. However, none of these expressly defines how a country can achieve the right. The procedure has been left to the interpretation of an individual country. The same instruments entitle countries to a right to self-determination. Therefore, just like Singapore, the way Rwanda has decided to interpret the right to development vis-à-vis civil and political rights may not, in any way, be inimical to the international community.

6.4.0 Rule of Law

In its pursuit of economic development and its priority over civil and political rights, Rwanda should not suppress its people's civil and political rights in perpetuity. It is evident that no country can exist on its own. As such, the possibility of infiltration of the people's perspective to start thinking as the Western individualistic perception on democracy is inevitable. When this happens, demonstrations, as those seen in Singapore, against the government suppression of their civil and political rights will be a hard task to curtail. The government can only do as much with people that know what they want. As such, the Rwandan government should come to the realisation that as much as it wants the country to develop economically, there are other needs of the people that are equally important.

6.5.0 Transparency

The extent to which Rwanda has achieved its economic development goal does not fall within the scope of this paper. However, there have been allegations that President Kagame hired public relations strategies companies that exaggerate the achievements of the government.¹³⁵ Also employed are experts that inflate the economic figures to reveal how fast the economy is growing.¹³⁶ This is in a bid to attract foreign direct investment. If Rwanda has chosen the non-democratic model, then, just like Singapore, it is important that the government maintains an honest race toward economic development. This will instil confidence in investors.

7.0 Conclusion

This research paper acknowledges that there is an ideal world, like the one that houses Mauritius where both Western democracy and economic development have been achieved simultaneously.¹³⁷ Mauritius has been ranked the second most developed country in Africa¹³⁸ and the best country in Africa in terms of full democracy.¹³⁹ However, interestingly, all the other African countries have either a despotic regime, flawed democracy, or a hybrid regime.¹⁴⁰ This seems to reveal that Africa is still far from achieving full democracy. Nonetheless, this does not mean that economic development should not be achieved now. The issue that has been addressed in this paper is whether, simply because Rwanda is a non-democratic regime, just like most other African states, is it still in a position to achieve its economic development objective. This paper answers this question in the affirmative. Based on what a country has as its political regime, taking into consideration its historical, material, social and cultural factors as postulated by Gordon

¹³⁵ Himbara, (n1).

¹³⁶ Ibid.

¹³⁷ For a full history of how Mauritius has developed in terms of democracy see <https://freedomhouse.org>, accessed on 2 May 2019.

¹³⁸ Available at <https://africa-hr.com/blog/most-developed-countries-in-africa>, accessed on 2 May 2019.

¹³⁹ Tatenda Gwaambuka, 'The Most Democratic Countries in Africa' *The African Exponent* dated 4 February 2018, available at <https://africanexponent.com>, accessed on 2 May 2019.

¹⁴⁰ Ismael Akwei 'Why Mauritius is the Most Democratic Country' *Face 2 Face Africa*, available at <https://face2faceafrica.com>, accessed on 2 May 2019.

White as discussed hereinabove,¹⁴¹ the path it leads towards economic freedom is a matter of choosing the lesser evil.

The stark philosophical difference between Asian communitarian tendencies versus the Western individualistic practices has more than often led to sharp criticism of the Chinese and Singaporeans human rights record by the West. The Singaporeans prioritise socio-economic rights over civil and political rights.¹⁴² They regard the right to subsistence as the most important of all human rights, without which all, the other rights are of question.¹⁴³ This is so because, after the long-suffering and wars, the fundamental need for the Chinese was ‘to eat and dress warmly.’¹⁴⁴ The same slogan applies to Singaporeans.¹⁴⁵ The reality is that ‘fifty years without democracy did not stop Singapore from becoming richer than America, while fifty years of democracy did not make Botswana (or Mauritius)¹⁴⁶ richer than America.’¹⁴⁷

The extent to which Rwanda has promoted its people’s civil and political rights was beyond the scope of this paper. However, what is clear is that despite its ‘non-democratic’ tendencies, it has made significant strides in promoting its economic rights, a fact that is yet to receive Western recognition. The frequent criticism targeted towards this to-be economic giant gives it a ‘victim’¹⁴⁸ status, forcing commentators, depending on their affiliation as per Marks’¹⁴⁹ categorisation, to take sides in this human rights discourse. Perhaps

¹⁴¹ G White ‘*Development and Democratization in China*’ in *Democracy and Development* Cambridge MA.

¹⁴² Phoebe Oyugi ‘The Right to Development in Africa: Lessons from China’ [2018] *Journal of Human Rights*, 281.

¹⁴³ D Abebe & J S Masur, ‘International agreements and internal heterogeneity: the two Chinas’ problem’ (2010) 50 *Virginia Journal of International Law* 329.

¹⁴⁴ The right to subsistence- the foremost human right the Chinese people long fight for’, available at <https://www.chinesehumanrightsreader/governments/91wp/i.htm>, as accessed on 28 April 2019.

¹⁴⁵ Calvin Cheng ‘The West has it totally wrong on Lee Kuan Yew’ in *The Independent*, available at <https://www.independent.co.uk/voices/comment>, as accessed on 28 April 19.

¹⁴⁶ Emphasis mine.

¹⁴⁷ Graham Alison ‘Lee Kuan Yew Conundrum’ in *The Atlantic Magazine* dated 30 March 2015, available at <https://Lee%20Kuan%20Yew's%20Challenge%20to%20Democracy%20-%20The%20Atlantic.html>, as accessed on 28 April 2019.

¹⁴⁸ This author borrows this term from Phoebe Oyugi ‘The Right to Development in Africa: Lessons from China’ (2018) 50 *Journal of Human Rights*, 284 who cites AE Kent ‘China and the International Human Rights Regime: A case study of multilateral monitoring’ (1989-1994) 17 *Human Rights Quarterly* 2.

¹⁴⁹ S Marks, ‘The Right to Development: Between Rhetoric and Reality’ (2004) 17 *Harvard Human Rights Journal* 142.

the human rights regime at large, and the debate on civil and political rights versus economic development in specificity, would gain a lot more from an honest and liberal comprehension of the philosophical differences between the Rwanda's and East Asia's conception on the status of civil and political rights versus the Western conception on the same, taking into account the unique experiences of each country.

States ought to cooperate instead of constantly criticising each other's approach towards achieving economic development and unnecessarily imposing on the other states the model that they think is the better gospel to preach. Failure to do so will result in a wide gap that will continue to exist between the North¹⁵⁰ and the South, each using the approach that they think best pleases them and their influencers. With the budding proliferation of the Asian countries' investments in Africa, it is almost safe to conclude that the contemporary Western Europeans and Americans will slowly but surely lose their influence in Africa. And as Fukuyama declares, 'what we may be witnessing is ...the endpoint of mankind's ideological evolution and the universalisation of Western liberal democracy as the final form of human government'.¹⁵¹

¹⁵⁰ Graham Alison (n 148).

¹⁵¹ Fukuyama F, *The End of History?* (Fukuyama F, *The End of History?* National Interest, National Interest, 1989) 3-18.

