Breaking the Cycle of Violence: The Role of Democracy, Rule of Law and Human Rights

Thank you for your invitation to participate in this important conference. It is a testament to how much the world has changed (and the World Bank has evolved) that you have invited the Chair of Freedom House to speak today at this distinguished forum.

My assigned topic is to discuss the linkages between violence and rule of law & access to justice and how rule of law and justice approaches can be used to prevent violence. I am giving you advance warning – that I will be using the D and R words – D for democracy and R for human rights of all individuals – which I know is still a bit risky in the Bank environment.

The work of Freedom House is based on the premise that all citizens in the world have the right to live with dignity, which includes their right to exercise fundamental human rights, rights that are enshrined in international covenants. Freedom House has been around for almost 70 years, and we are perhaps best known for our analytic work, which I am going to be referring to today.

As the findings of *Freedom in the World* illustrate, there have been impressive gains in political rights and civil liberties over the last three decades. But still today, 35% of the world's population does not live in countries where governments are accountable to people, where rule of law prevails, justice is delivered, and fundamental human rights are respected. Clearly, one of the major constraints to progress in many of these countries is the ongoing violence and abuse perpetuated by both state and non-state actors.

So, indeed, violence and the poor performance in the broad are of rule of law and justice are interrelated. Repressive and poorly governed states in which government officials or major forces within societies do not abide

by the rule of law, where justice is denied, and human rights abused, help to create conditions which are favorable to the use of violence as a political tool. Similarly, continued violence can erode fragile democratic regimes, and further undermine rule of law, justice and respect for human rights within societies.

Freedom House gives a significant weight to rule of law and human rights in its annuals surveys. As you can see in the attached two slides, both *Freedom in the World* and a newer survey called *Countries at a Crossroads,* include ratings that focus on key aspects of rule of law and human rights in their overall country assessments.

If one analyzes trends from the last ten years in *Freedom in the World*, it is clear that:

- Progress in the ROL elements lags behind other indicators, even in some areas of the world that are generally considered free;

- In some countries, this lack of progress is due to the lack of political will within societies to embark on a renegotiation of the social contract, or to alter the balance of economic and political power the country;

- In many others, the persistence of violence – utilized by both state or increasingly, non-state actors – negatively impacts not only the ratings for rule of law but the overall status of freedom with a country.

<u>Fragile democracies -</u>

- New democracies and even free countries that have successfully transitioned from dictatorships to civil governments can still face destabilizing levels of violence. While we might still see gains in some areas, violence prevents more progress – or threatens to erode the gains that have been made.

- Latin America is perhaps the best example. Over 70% of the countries in the region are considered to be in the "Free" category.

Most of these countries have received relatively good ratings for electoral processes, political pluralism, and freedom of association, but still score very low in the area of rule of law and other areas in the overall civil liberties area.

- We know some of the key examples well. In Mexico, the power of organized criminal groups has spread violence and terror through significant portions of the country. In Colombia – the continuation (if decrease in intensity of the battle between the government and the FARC and other groups) has off-set gains in other areas.

- The responsibility for these declines includes, but is not limited to, the state and may be due to:
  - Weak or corrupt security and law enforcement that do not respect human rights;
  - Lack of public confidence in the ability of state institutions, especially the judicial system and law enforcement, to protect citizens and deliver justice – leading to a rise in vigilantism within communities – i.e. taking the law into their own hands;
  - Transnational criminal networks, including but not limited to narcotics production and transportation, a still lucrative area of business, which generates funds that far exceeds any government or international support to counter such networks.

The Impact of Internal Conflict on Freedom

- Promoting rule of law is an even greater challenge in countries suffering from ongoing conflicts and pervasive violence. The transition from one type of political system to another is never easy. As Paul Collier and others have noted, countries that are undergoing political transitions of any kind – including democratization – can be destabilizing as power relationships are altered. In countries emerging from conflict, establishing a society

based on rule of law and order from one in which actors have engaged in violent methods is particularly difficult.

- Ongoing or renewed conflicts have led to lower FIW ratings for a number of countries that were considered to be on the right path in the past, for example:

Lebanon
- Lebanon, of course, was once referred to by many Western scholars as the "most stable democracy" in the Arab world.

- Before the outbreak of its civil war in 1975, Lebanon was considered as a high performer by Freedom House. But as the chart shows, conflict over the last years has led to Lebanon being categorized as Not Free.

- (Note: In 2006, Lebanon's political rights rating improved and its status passed from Not Free to Partly Free due to Syria's departure from the country.)

Zimbabwe
- Zimbabwe was once considered one of Africa's most promising countries. At its height, in 1981, Freedom House gave Zimbabwe a 3 for political rights and a 4 for civil liberties. Since 2001, when civil strife, including significant internal displacement, increased in the country, it has been considered Not Free.

- In 2009, Zimbabwe received a downward trend arrow due to the heavy involvement of security forces and government-aligned militias in a campaign of political violence.

- One note – Freedom House is working with civic groups including human rights defenders in Zimbabwe to ensure that respect for human rights is a key component of that country's current political transition. Establishing accountable, effective government

institutions based on a rule of law will be difficult – but it is essential for the country to progress.

Sri Lanka

- Sri Lanka was categorized as Free until the outbreak of its civil war in the early 1980s. Despite improvements in 2004 to 2006, a recent increase in violence from both the government and Tamil rebels has led to a drop in ratings.

Access to justice and ROL are key components of violence reduction and prevention – how to do it effectively is the issue

While there is no quick fix, in the long term we know that functioning democracies are the best conflict resolution mechanisms around.

- States that are transparent, accountable, and have an established rule of law, characterized by a functioning judiciary, well trained civilian police force, and a culture of accountability for human rights abuses committed by past regimes –i.e. THEY ARE DEMOCRATIC -- are less likely to be vulnerable to popular support for violence.

- The path to democracy is not, of course, without bumps – any change in the prevailing power structure within a country is by definition destabilizing in the short term. Established elites feel that their political (and sometimes economic) status will be lost, and they take action to protect their position. Opposition movements are often peopled not only by those seeking a more democratic political system, but also by those who have thoroughly undemocratic leanings, or who just want a chance to feed at the trough. Both sides may appeal to religious, regional, or ethnic differences to mobilize support or create a climate of disorder and violence that discourages any further attempts at change.

- And so the real issue is how to help support progress towards that end goal in a constructive and effective manner. A few thoughts that may help to spark discussion:
    - In the international community, our focus should be on the following strategies:
    - We must be mindful that no matter what terms we use – good governance or rule of law – the overall strategy is highly political. We are talking about a renegotiation of the social contract between the state and its citizens;
    - As the international community, we have limited ability to impact those negotiations, but we can be aware of power imbalances and seek to create incentives for positive reform;
    - The goal of rule of law support should be to support the creation of judicial systems that are free of undue influences from executive, legislative, and private interests;
    - Programs to support rule of law should not be limited to drafting a constitution or building a court house but should include ways to increase both access to justice, and the quality of justice which is delivered. It has to be about a system which respects fundamental human rights;
    - Support for Human Rights Defenders should be included as part of a ROL program, not only to strengthen monitoring and documenting human rights violations but to ensure that those who committed past violations of human rights are held accountable.

The World Bank has an extraordinary capacity to lead the rest of the international community in creating more effective programs in rule of law that can help to break the cycle of violence in many countries around the world.

Together I hope we can continue to develop effective means of preventing violence by improving the rule of law. And by so doing, lead to more progress towards freedom, democratic governance and respect for individual human rights.