



**COLLEGE OF BUSINESS, PEACE, LEADERSHIP AND GOVERNANCE**

**NPGP513: HUMAN RIGHTS, DEMOCRACY AND THE RULE OF LAW**

**END OF FIRST SEMESTER EXAMINATIONS**

**NOVEMBER 2022**

**LECTURER: DR. E. RUTSATE**

**DURATION: 3 HOURS**

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### **INSTRUCTIONS**

ANSWER QUESTION NUMBER 1 IN SECTION A AND ANY OTHER TWO QUESTIONS FROM SECTION B. YOU ARE ANSWERING THREE

Credit will be awarded for logical, systematic and neat presentations

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## SECTION A

### QUESTION 1

Since the advent of the Human Rights Based Approach (HRBA) to development, human rights scholars have been engaged in a debate as represented by two schools of thought. While one school of thought has argued that taking a HRBA to development has immensely and positively contributed to the observance of human rights, democracy and the rule of law in the Global South including the African continent, on the other hand, the other scholars instead of applauding the HRBA to development as an empowering opportunity, have viewed it as a moral intrusion on the African way of governance by powerful states which have selectively used the rhetoric to keep developing countries, particularly in Africa, in check.

As supported by sound arguments, you are required to take a stance in the above debate and argue either for or against the HRBA to development supporting the observance of human rights, democracy and the rule of law. **[50 marks]**

## SECTION B

### QUESTION 2

Trace the historical development of the concept of democracy. In your answer, explain the main principles of democracy. Compare and contrast any two forms of democracy of your choice while giving examples of how they have been successfully or unsuccessfully implemented in at least two countries of your choice. **[25 marks]**

### QUESTION 3

*Under the United Nations System, three of its principal organs namely the Security Council, the General Assembly and the International Court of Justice form a structure that mirrors what happens at national Government level with the Executive, Parliament/Legislature and the Judiciary. However, the similarity ends there. National and Global Constitutionalism share no deep similarity or identicalness.*

Giving sound reasons for the position you take, critically analyze and discuss the veracity or accurateness of the above statement. **[25 marks]**

#### QUESTION 4

In a 2018 Report entitled, *State of Democracy, Human Rights and the Rule of Law: Role of institutions; Threats to institutions*, the Secretary General of the Council of Europe, Thorbjørn Jagland lists the following as the key building blocks of democratic security;

1. *efficient, impartial and independent judiciaries;*
2. *freedom of expression;*
3. *freedom of assembly and freedom of association;*
4. *democratic institutions; and*
5. *inclusive societies.*

Giving examples of some states, you consider to be either democratic or undemocratic due to their success or failure in complying with international best practices, you are required to argue either in support of the above statement or against it. **[25 marks]**

**END OF EXAMINATION**