Human Rights, Democracy and Community Development: The Need for a Nexus of the Concepts in Nigeria's Development Process

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Abstract

The concepts of human rights, democracy and development as well as community development will ever remain most paramount in the affairs of all nations which cherish liberty and good governance. At present, there is virtually no facet of any diplomatic interactions between one sovereign nation and the other which is not founded on the internationally accepted principles of human rights, democracy and community development. Having passed through many years of agonizing, undemocratic and dehumanizing military regimes; Nigerians have come to realize that genuine concern for human rights and democracy is a viable option for attaining effective community development that is well-recognized by international communities. Unfortunately, this realization is now being manifested in the affairs of Nigeria very much in theory rather than in practice. The meaning and relevance of human rights, democracy and development as well as community development as legal and sociopolitical concepts, the nexus between them and practical problems besetting their effective application in Nigeria, constitute the core of this work.

Keywords: Human Rights, Democracy, Community, Development, Liberty, Good Governance.

Introduction

As the Nigerian political history grows, there is the need to revisit the concepts of democracy and community developments which undoubtedly are the two most used concepts throughout the world. These are among the hotly contested concepts in social, economic and political discourse. There are different perspectives on the concepts influenced by history, ideology, discipline and experience. There is no doubt that in the past fifteen years, we are living in a period that is very significant in the life of the country for many reasons. Firstly, it marked the transition period from military to civilian rule after many years of military dictatorship. Secondly, it represented the first time in the history of the country that there was a successful civilian to civilian transition without military incursion even though the election was severely criticized for massive irregularities. Furthermore, it was a period of economic growth that is unprecedented in the life of the nation. In 2003, a growth rate of over 10 percent was reported even though there were concerns that this was not translated into poverty reduction.

Apart from being a subject of global concern, the topic: "democracy and community development" is particularly sensitive to the present socio-economic and political circumstances of our time. The topic is essentially appropriate at present when the search for democracy and political transition from one civilian government to another has become more paramount in the affairs of many freedom-loving Nigerians.

Divergent theories, hypotheses and legal opinions have been put forward on the concepts of human rights, democracy and community development. The overall purpose of this paper is to relate these intellectual postulations to the present-day socio-economic and political needs of Nigeria with a view to ascertaining the authenticity of such postulations. Edmund Burke was right when he said that:

"I do not vilify theory and speculations because that is to vilify reason itself. Whenever I speak against theory, I mean always a weak, erroneous, fallacious, unfounded or imperfect theory and one of the ways of discovering that it is a false theory is by comparing it with practice".

This paper examines the philosophical concepts of Human Rights, Democracy and Community Development. It attempts to place the meaning and scope of these constitutional and political terminologies in the perspective of modern internationally accepted standard with the Nigeria experience in focus. Is there any relationship between human rights, democracy and community development? Can the three concepts exist independently of one another? Should there be a nexus between them? Which, out of the concepts of human rights, democracy and community development? Of what importance is the promotion of human rights to democracy and community development? What is the status of human rights in the schemes of democracy and community development? What are the major problems besetting effective realization of human rights, democracy and community development in Nigeria? The above problematic questions, among others, are meant to be raised in this paper while efforts will be made to give some suggestions and

recommendations with a view to charting a new course for Nigeria in her tortuous journey towards an enduring democracy and reliable governance.

Human Rights

The whole theories of human rights have a very remote and chequered history. Over the years, divergent opinions have been expressed by various schools of thought about the concept, nature, legality and philosophy of human rights. The subjects of 'right' and 'human rights' have always received correlative and comparative intellectual considerations from scholars of different socio-economic, cultural and political backgrounds. One fact that stands out clear is that human rights relate to human beings who constitute members of a group, community, society or a state. The origin of human rights can be said to be traceable to the creation of man and the right to life accorded him by God while the inherent nature of these rights is one of the many qualities that God has given to man.

Fundamental human rights have been defined as moral rights which every human being everywhere, at all times, ought to have simply because he is rational and moral in contradistinction with other beings. Henkin (1999) defines human rights as those liberties, immunities and benefits which, by accepted contemporary values, all human beings should be able to claim as of right in the society in which they live. Human rights have also been held elsewhere to represent demands or claim which individuals or groups make on society, some of which are protected by land and have become part of human existence while others remain aspirations to be attained in the future.

Human rights were thus initially believed to be natural rights of every individual and as such, those rights had a distinct anthropological quality. In other words, basic human rights and fundamental freedoms were determined by their author's perception of the nature and essential characteristics of the human person.

A tendency accordingly emerged of placing human rights into three generations. The first generation consists of the civil and political rights which are rights and freedoms that are pertinent to safeguarding the person and citizen's basic liberties vis-à-vis governmental authority and requiring of the state to permit, safeguard or endure those entitlements. The second generation of rights refers to economic, social and cultural rights which had their origin in the constitution of Mexico, 1917. Economic, social and cultural rights were subsequently included in the USSR Constitution 1904 as the right to work, to leisure, to maintenance in old age and sickness, right to education and freedom of association. The notion of such rights found its way into the Universal Declaration of Human Rights, 1948 and constituted the subject-matter of the International Covenant on Economic, Social and Cultural Rights, 1966. Economic, social and cultural rights were also incorporated, as (non-justifiable), "Direct Principles of State Policy" in the 1999 Constitutions of the Federal Republic of Nigeria.

The third generation rights include the right to peace, the right to development of disadvantaged sections of our political community or, in the international context, of developing countries, the right to nature conservation and to a clean and healthy environment, the right to share in the common heritage of humankind and so on. In the case of Nigeria, provisions of human rights were first introduced into the 1960 Independence Constitution as a result of the report submitted by the Henry Wilkin Minorities Commission to the effect that such constitutional provisions would assist in allaying the fears of minority groups in Nigeria. The rights also appeared in the 1963 Republican Constitution. The Constitutions of the Federal Republic of Nigeria 1979 and 1999 also contain, in Chapter IV, bills of fundamental human rights to life, dignity of human person, personal liberty, fair hearing, private and family life, freedom of thought, conscience and religion, freedom of discrimination and right to property. It is also interesting to find the second generation of rights which are often known as "Fundamental Objectives and Direct Principles of State Policy" in Chapter II of the 1979 and 1999 Constitutions of Nigeria.

Democracy

In the world of today, democracy has become a popular concept in every contemporary discourse. It is now a word that resonates in people's minds and springs from their lips as they struggle for freedom and for a better way of life. In its Greek understanding, the term democracy originally referred to the right of the citizens of the Greek City states to participate directly in the act of governance. The word 'democracy' is known to have been coined from two Creek words: demos (the people) and Kratos (rule) which simply means people's rule. It is an institution of governance which envisages a popular government as practiced in ancient Greece.

Although the conditions in a modern state make direct participation of all the people in the government of the state impossible, the concept of democracy still emphasizes the rule of the people, in that sovereign power is exercised by the people but now indirectly through a system of representation. The people choose their representatives who then govern in their name. In a democracy, power resides in the people and belongs to the people. In a democracy, the people own the government, and not government owning the people. A democracy is thus distinguished from a Monarchy (the rule of a Monarch) or Aristocracy (the rule of a privileged class) or an Oligarchy (the rule of a junta). While making a comparative examination of the three prevented forms of government (Democracy, Oligarchy and Tyranny), Aristotle described democracy as the most tolerable in contrast to oligarchy and tyranny.

Two great political philosophers, Pericles of Athens and Abraham Lincoln of America had made theoretical and practical demonstrations for an effective understanding of the concept of democracy in the political affairs of man. A thorough analysis of their various postulations will reveal that democracy has some unique political connotations rooted in the following axes:-

1. **Obedience to law and respect for constituted authority**: According to Pericles:

"While we are thus unconstrained in our private intercourse, a spirit of reverence pervades our public acts; we are prevented from doing wrong by respect for the authorities and for the laws".

In other words, the culture of obedience to laws including lawful orders of our various courts and obedience to the unwritten laws, the conventions of the democratic process are equally important for the inner life and survival of the institution of democracy. Experience over the ages has shown that the activities of the City States can only be successfully carried on with the voluntary co-operation of the citizens, and the main instrumentality of this cooperation lies in the free and full discussion of government policies in all their aspects by the people. Pericles observed again that:

"The greatest impediment to action is, in our opinion, not discussion... for we have a peculiar power of thinking before we act and of acting too, whereas, other men are courageous from ignorance but hesitate upon reflection"

- 2. **Obedience to democratic process**: The foundation of all democracy is the right to vote. The people must be allowed to elect their representatives, express their choices and make their preference at the polls. It is absolutely necessary that such polling should be fair and free i.e., free from force or fraud; free from intimidation and corrupt or undue influences. Citizens must be given the opportunity to cast their votes without any form of intimidation. Once the people have voted, made their choices, the candidates and their political parties should accept and respect the verdict of the electorate.
- 3. **Respect for human rights and fundamental freedom**. Modern democracy envisages a new notion conceived in liberty and dedicated to the proposition that all men are created equal. As boldly affirmed by Franklin Roosevelt:

"In the future days which we seek to make secure, we look forward to a world founded upon four essential human freedoms, the first is freedom of speech. The second is freedom of every person to worship God in his own way... The third is freedom from want ... The Fourth is freedom from fear or oppression.

Without these four necessary freedoms, no government will deserve to be called a democracy. Clara Smith was thus right when she described "freedom" as "man's birth right, a sacred, living rampart, a pulse beat of humanity, the throb of a nation's heart".

4. **Index of good governance and development**: Where the government of a State is founded on the principles of obedience to law, democratic process and respect for human rights, there is every possibility that the State's legal order will be good and just. It will be a state when leaders will have respect for citizen' fundamental rights and basic freedoms. This quality will obviously place the citizens, who constitute the human resources of the nation in a pedestal to love their nation and struggle to contribute to its socio-economic, cultural and political development.

Development

The concept of development is meant a gradual advance or growth through progressive changes. It is a gradual differentiation of an ecological community. Within the context of this work, the term 'development' is a conscious acceleration of economic, political, social, educational and technological growth of Nigeria through effecting, consistent, progressive and enduring policies of the government.

It is conceived in this paper that such effective policies of government that are capable of effective progressive development in all spheres of our national life must curiously evolve from a truly democratic political system in which adequate value is placed on protection and promotion of human rights and fundamental freedoms. It is also the belief of this paper that the overall development of Nigeria cannot be realized in an environment which is characterized by lack of respect for democratic process and fundamental rights of citizens.

The concept of development also viewed from the international perspectives in this paper refers to the evolution of democratic institutions of government that is based on a common political ideology which can bring about peace and overall development in most nations. It is conceived that the existence of solid socio-economic, political, cultural, educational and technological development in every nation is a prerequisite to the attainment of international growth and global development. Since democracy is now a popular concept that is well favoured by most advanced and civilized nations, a genuine subscription to its basic principles by other nations may enhance mutual understanding between both development at all levels. Therefore, the idea of development in international perspective is taken to mean the acceptance of the principles of a common political philosophy

by most nations subject to their socio-economic and cultural identities. Such political philosophy being capable of fostering their relationships in terms of foreign policies, trade, politics, education, culture and technology. In this paper, we consider an effective democracy as that political philosophy which is capable of achieving that purpose. Adherence to such fundamental principles is likely to guarantee peace, respect for human rights and national development.

Community Development

A community is a people who have self-identify as a group or entity, usually because they reside in a particular place or have common interest or origins. Whilst community development offers opportunities for extending and deepening democracy, such activities is always framed and regulated by the changing imperative of policy. This has inevitably produced contradictions and tensions which, in turn, have framed the possibilities and constraints for practice. Negotiating these contradictions and tensions has always been a core challenge of professional work. At its best, community development represents a search for new forms of social and political expression in light of new forms of social and political control. This paper argues, however, that in the current context, this democratic potential is severely curtailed. In this sense, particular dangers are posed for practitioners for, while professional claims to being responsive to the needs and interest of communities continue to dominate both theory and policy, the reality, according to recent research, suggests a rather different picture. It is becoming apparent that the 'enabling' state has not only become deeply embedded in practice but is in fact reproduced through community development itself.

Community Service Project

- > A community service project usually refers to a program done by a group of volunteers to improve the environment and conditions of a particular community.
- ➤ A community service project is usually a short term project such as an environmental cleanup, reconstruction of buildings after a storm, clothing or food drives etc.
- A community service project can also be long term such as environmental sanitation days which are held by the government every month in Nigeria.
- A community service project addresses a particular need that a community is facing and aims to address this usually through direct human effort and intervention.
- Community service project involve the participation and the approval of the community and help to build stronger ties amongst the members of that community.

Community Services Project the Necessity

- Every community has issues that need to be addressed; some have more than others and it is important that citizens address issues that affect them most.
- In many communities around the world today, community needs are not being met by their government or by any other entity.
- It is often in the absence of these structures to ensure that the welfare of the people is taken care of that the need for community service project arises.
- Despite all these, community service projects can also be a means of building a stronger community that can then tackle important issues such as bad government and corrupt practices that deprive them of their needs.
- Community service projects express the spirit of collective self-reliance, that a community can use its own resources and talents to solve its own issues and establish its own progress.

The need for a nexus between the concepts of human rights, democracy and development will be examined later in this work.

Human Rights, Democracy and Development: The Nexus

A consideration of the relationship between human rights, democracy and development at this point is desirable with a view to proffering solutions to some of the problems raised at the onset. Firstly, it will appear that each of the three terms is identifiable with certain fields of study.

Human rights is more related to law, democracy is more of a political science while the concepts of development is more technologically oriented and related to economics. It may be argued that this identification is a matter of academic exercise because the three disciplines to which each of the terms belongs are likely to overlap, not only in their theoretical and practical context, but also, in their daily application. What is important to note is the terms human rights, democracy and development are popular and of much relevance in the socio-economic and political affairs and process of governance of every nation.

Secondly, by our philosophical contention, the concept of human rights has been propounded to be inalienable, primordial and that it constitutes the art and heart of the constitution. In fact, a onetime Chief Justice of Japan once said that the fundamental human rights were not created by the state but are external and universal

institutions common to all mankind and antedating the State and founded upon natural law. These postulations go to show that in order of priority or importance, the protection and promotion of fundamental rights should come before democracy and development. This contention is based on the fact that since citizens are the most distinctive elements in democracy, their fundamental rights must be guaranteed and protected before they can be in a position to render their human resources for effective democratization and overall development of their nation. In other words, promotion of human rights is primarily fundamental to the emancipation of an enduring democracy and national growth.

Thirdly, a thorough intellectual analysis of the subject of this paper would seem to suggest that the three concepts of human rights, democracy and development should exist side by side in every nation for the survival of human race. That is to say, no matter how important one of the three concepts appears to be, a political entity is not likely to survive without the concurrent existence of the three. For instance, the rights of man can better be guaranteed in a stable democratic system. Effective promotion of citizens' fundamental freedoms paves way for peace that is mostly needed for the survival of a democratic government; while development in terms of economy, education, science and culture remains an essential attribute of a sovereign nation in which citizens are given the opportunity to pursue their safety and happiness. In the content of the Nigerian situation, it has never been possible to realize effective protection of human rights, democracy and community development because of the following major problems among others.

Problems Besetting Effective Realization Of Human Rights, Democracy And Community Development In Nigeria

At a period when Nigeria was under colonial rule, it was not possible to hold that her citizens were under a democratic regime. Shortly after independence and particularly between 1960 and 1966, the parliamentary system of government in practice by then could not be said to have actually consolidated the gains of democracy for the people. For a short period of Presidential System of government between 1979 and 1983, the nature of democracy then, was more in theory than in practice. Painfully too, out of a period of thirty-nine years (till 1999) as an independent nation, Nigeria had experienced agonizing periods of twenty nine years (till 1999) under various military regimes. The entire political periods of years spent so far by Nigeria as a sovereign independent nation have been characterized by many problems besetting effective realization of human rights, democracy and development.

1. Bad Leadership: Within the context of this paper, the term 'leadership' means the power vested in political office holders by law to lead the electorate that constitute people who voted them into power. Leadership also entails the qualities possessed by those individuals who are supposed to lead a set of race in a political entity. Democracy depends on the presence of rulers and persons in authority who can give legitimate commands to others. Such persons in authority must be seen by their followers to be reliable, dependable and of impeccable characters that are ready to serve and not to be served. In line with democratic principles, political leaders must be tolerant and always ready to give opportunities to others to make their contributions towards the overall development of the nation. Democratic leaders must encourage opposition. They must not consider opposing views of others as undue confrontations aimed at humiliating them out of power.

An enduring democracy requires just leaders who respect the Rule of Law and Fundamental Rights of Citizens. Leaders of a democratic system must not be greedy and corrupt. It is unfortunate that few of the very serious problems confronting effective relation of human rights, democracy and community development arise from the negative attitude of bad leaders in Nigeria who have corruptly enriched themselves, violated fundamental rights of opposing groups, disobeyed court orders, mismanaged national resources and disregarded international human rights norms and democratic principles. As a result of bad leadership, most of the factors of production have either been ignored, under-utilized, or misused.

2. Military Intervention in Politics: Nigeria did not start with the military in the process of her political history. When the military first struck on January 15, 1966, part of the reasons given for such as abrupt intervention was to wipe out political profiteers in high and low places that sought bribes and kept the country divided permanently so that they could remain in office. In the same view, the Buhari Military regime which dismissed the Nigerian Second Republic under President Shehu Shagari also gave a catalogue of political errors which characterized that civilian regime. In fact, the spokesman for General Buhari, late Sanni Abacha Siad:

".... We are ready to lay our lives for our dear nation, but not for the present irresponsible leadership ... I am referring to the harsh, intolerable conditions under which we are living.

Giving the political circumstances which led to military usurpation of political powers in Nigeria as enumerated above, it could be argued that by the philosophical propositions of Hans Kelsen, Hobbes, Rousseau, John Locke and the principles of American declaration of Independence; military leaders were justified for snatching political powers from irresponsible leaders who abandoned their political obligations, thus leaving innocent citizens to suffer. Specifically, the American declaration of Independence, 1776 provides inter alia that:

"... To secure these rights, governments are instituted among men, deriving their just powers form the

consent of the governed. Whenever any form of government becomes destructive of these ends; it is the right of the people to alter or abolish it...

It is however sad to observe that Nigerian experience of military rule has revealed that military leaders have never been able to provide effective and enduring solution to most of the problems which they often claimed have brought them to power. Thus, it has been stories of coups and counter coups in Nigeria since 1966. While dismissing the military regime of general Buhari who claimed to have seized political power from the 'irresponsible' civilian government of Shehu Shagari; Brigadier Joshua Dongoyaro, the military spokesman of General Ibrahim Babangida said:

"Fellow countrymen, the intention of the Military at the end of 1983 was welcomed by the nation with unprecedented enthusiasm....Almost two years later, it had become clear that the fulfillment of expectations is not forthcoming...... Any effort made to advise the leadership is met with stubborn resistance and was viewed as a challenge to authority or disloyalty.... In such a situation, if action can be taken to arrest further damage, it should and must be taken. This is precisely what we had done...."

A greater percentage of military leaders who have tasted political powers in Nigeria having discovered how sweet it is and are no longer ready to relinquish same. To achieve this goal, political leaders and human rights activists have been held in detention without trails, many have been killed while others have fled to foreign nations for the safety of their lives. Through this process, the country had lost lots of human resources that would have been employed for her socio-economic, cultural, political, educational and technological development. In every attempt to prevent opposition, military leaders in Nigeria have also formed the habit of promulgating decrees consisting of ouster clause which prevent courts of law from exercising jurisdiction to entertain matters often regarded by the military as confrontational. By so doing, many citizens have not been able to defend their rights over certain matters that are crucial to the overall development of the nation. In every attempt to make their power supreme, military tribunals have been employed to disregard human rights and principles of natural justice well recognized by civilized nations. A typical example was the case of Kunule Benson Saro-Wiwa which led to the suspension of Nigeria from the Commonwealth of Nations in 1995.

By this suspension, a lot of privileges and advantages of membership of the commonwealth hitherto enjoyed by Nigerians to promote the nation's development ceased. Military governments in Nigeria have also not allowed the judiciary to be truly independent. Military leaders were often the sole hirers of judges and so, they could decide at any time to dismiss any judge who was not on their side. By gross disobedience to orders of courts, military leaders have rendered the judiciary seriously incompetent in its onerous function of dispensation of justice. This military posture has not paved way for effective growth and development of the nation's legal system.

In a desperate bid to perpetuate their rule, some Nigerian military leaders have scuttled processes of political transitions from military to civil rule. For example, General Ibrahim Babangida annulled the Presidential election of June 12, 1993 while General Abacha also employed a lot of political manoeuvers which were detrimental to the nation's development with a view to staying longer in power until his sudden death on Monday, June 8, 1998. It may be relevant to point out that the refusal of some military leaders in Nigeria to yield to the advice of the international community for a quick return to a democratic system of government led to the imposition of economic sanctions which seriously retarded the development of the nation in all its ramifications.

3. Illiteracy and Poverty: Many problems which are not legal in nature such as illiteracy and poverty also hinder the effective realization of human rights, democracy and development in Nigeria. Education has been on the decline in Nigeria, both in terms of enrolment as well as physical infrastructure, material and equipment. There has been little advancement in technology. By statistics, it has been confirmed that Nigeria has a male literacy rate of a mere 54 percent while the female literacy rate is 31 percent. Democracy grows from the confidence and faith of a people in their abilities to tap their human and natural resources effectively for national growth and development. It is therefore totally dependent upon educated and informed electorates who have access to ideas. Illiteracy affects the sustenance of democracy because uneducated people cannot make informed political decisions. Likewise, uneducated people cannot posses the required skills and man-power for industrial growth and technological development of the nation. The impact of poverty on democracy is profound. Lack of education impedes participation in government. Education is also vital for human resources development and that in turn, builds a foundation for increased productivity, improvement in health and nutrition as well as improved ability to handle innovative scientific tools for technological advancement of the nation. Poverty also contributes to a litigant's incapacity to meet the cost of litigations in Nigerian courts of law. An action to enforce a person's right includes payment of solicitor's fees, transport costs and other incidental expenses that normally go with the filing of actions in courts. A person who is unable to secure three square meals a day is not likely to go to court for the enforcement of his fundamental rights because of the cost of litigation. Instead, poor persons often take laws into their hands thereby increasing the rate of violence in Nigeria. This is a threat to democracy.

Illiteracy, ignorance and wrong perception of the government have also been identified as some of the problems militating against human rights litigations in Nigeria. A person who can neither read nor write may not

even be aware of the existence of his fundamental rights let alone bringing an action to enforce them. Even where some people are aware of their rights, their erroneous impression and perception of the government as an institution too powerful to be used may prevent them from filling actions to enforce any breach of their fundamental rights against the government. Again, while some believe that Police Officers are noted for their unpredictability since they alleged infringement on his right; others see the act of going to court as a time wasting exercise which, not only disturb their business endeavours, but also portrays them as irresponsible members of the society.

Conclusion And Recommendations

Based on the philosophical approach to the operational definitions and scope of human rights, democracy and community development, it is observed that the three concepts are virtually inseparable in the scheme of human affairs for effective governance and national development. Some Nigerians have suggested that sound economy that is necessary for the survival of democracy and development need to be seriously pursued before the intensification of effects for the promotion of citizens' fundamental rights. Our recommendation is that the rights and freedoms of citizens who constitute the workforce and human resources of the nation must be well protected and guaranteed first, before democracy and community development can be meaningfully realized and sustained. Once the basic rights and fundamental freedom of citizens are adequately guaranteed, democracy and community development are bound to flourish.

In the course of our analysis, it also observed that though, the three concepts are basic factors that are sine qua non to good governance, the status and position of human rights appear to be most fundamental thus placing it as the Highest of the three common factors. It is therefore suggested that all administrative and legal functionaries, especially members of the armed forces, executive and courts of law must continue to lay more emphasis on the protection and promotion of human rights.

It is equally observed that poverty remains the greatest threat to the survival of human rights, democracy and community development in Nigeria. Added to this is the tendency on the part of some leaders to perpetuate their regimes at the expense of democratic ideals and values. If democracy is to take hold in any meaningful way in Nigeria, there must be economic democratization. The economic structure must be altered to allow for a mixed economy that has some built-in mechanisms for equity and open access for all in the system. This can better be achieved if both leaders and followers are ready to be more patriotic and shun all corrupt and disloyal practices in our private and official capacities.

Finally, it is observed that unpredictable incident of usurpation of political power by military leaders remain the most serious problems besetting effective realization of human rights, democracy and community development in Nigeria. Concerted efforts must be made by all Nigerians to continue to tell military leaders that we are tired of their autocratic regimes and so, they must continue with their traditional role of defending the nation from internal and external aggression. This bold step must also include all pragmatic constitutional, legal and diplomatic actions to resist despotic tendencies through free and fair elections in order to sustain democracy for the present and future generations.

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