

Democratic Governance

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Madame Chairperson, distinguished delegates,
representatives from civil society,
ladies and gentlemen,

It gives me great pleasure to address you today on an issue that concerns all of us. Please allow me to join previous speakers and extend my gratitude to the organizers of the Social Forum for this invitation. Taking advantage of the upcoming presentation of my thematic report to the General Assembly on 30 October, I could not let pass the opportunity to take part in this forum, to listen to speakers and other participants, to interact with you, to learn from you.

In September 2011, the Human Rights Council created the mandate of the Independent Expert on the promotion of a democratic and equitable international order. Originally inspired by article 28 of the Universal Declaration of Human Rights, which proclaimed that “everyone is entitled to a social and international order in which (all) rights and freedoms... can be fully realized”, the timeliness of this resolution was clearly evidenced by the spread of massive protests globally, since December 2010, demanding a better world, a more just and equitable international order. As we gather here today, we must pay tribute to these demands. Bearing in mind that the Preamble of the Charter of the United Nations begins with the words “We the people” and not “we the leaders” or “we the oligarchs”, it is high time to demand our rights and to insist that governments pay more attention to the voice of peoples throughout the world.

More than 60 years since the adoption of the Universal Declaration of Human Rights, significant obstacles to the realization of a democratic and equitable international order prevail. We must devise a new approach in which the realization of human rights and fundamental freedoms is conceived in the context of a globalized world. This requires a change of thinking, away from predator paradigms. As we all know, the current international

order has not reached a level of development that deserves being called either democratic or equitable, notwithstanding a panoply of very good treaties, and the establishment of monitoring bodies, committees, commissions, working groups and special procedures. Part of the problem is that international law is being applied *à la carte*, not only by Governments, but also by certain academics, think-tanks, economic and political cartels, and even by some civil society pressure groups. Indeed as long as international law is not applied uniformly, objectively and consistently, the gap between promise and reality will remain enormous.

As I understand my function, I should identify obstacles and good practices. But before that I intend to review the various notions of democracy, with a particular emphasis on its international dimensions and implications. For me democracy entails genuine participation in decision-making, the rule of law, freedom of opinion, expression, assembly and association. The principle of the sovereign equality of UN Member States alongside with the necessity for an international order that allows meaningful participation in global decision-making by all States and peoples is paramount. Participation is indeed the key to democracy – participation in decisions concerning the maintenance of peace, the promotion of universal health programmes, the protection of the environment, of the common heritage of mankind, trade relations, the financial markets, etc. An international order in which only a few powerful players take all the decisions, often disregarding the consequences for the less powerful nations and most segments of the population, is hardly democratic. We must therefore build on the principles of self-determination, sovereignty, and respect for national identities and universal human dignity. I endorse Galtung's idea of promoting development with identity, and of moving away from the top-dog/under-dog syndrome. This will require reforms in many areas, including the United Nations and its unrepresentative Security Council.

We must also be aware that an international democratic order cannot be achieved without respect for human rights and fundamental freedoms, both at the domestic and international levels. A democratic and equitable international order is hardly conceivable without a commitment by States to the principles of democratic participation, social justice, a narrowing of the gap between rich and poor in all countries, a strengthening of the rule of law, an independent judiciary and full respect for fundamental freedoms. Thus I intend to address the links between an international democratic order and domestic democracy. The same holds true with regard to the concept of democratic governance.

Madame Chairperson,

Representatives from civil society,

Democratic governance not only requires respect for free and competitive elections, but also the existence of a government that will genuinely serve the public interest by being transparent and accountable to its citizens and by respecting the rule of law.

Such prerequisites imply that States take the lead in reforming institutions so that they become more responsive to the demands and needs of their citizens. Obviously, electoral systems must be free and fair, and public administrations must be close to the population, so that ordinary persons, and most specifically, those with the greatest need, can find a way to air their concerns and to solve their most pressing needs. This process not only entails institutional and policy reform, but more broadly, attention to how these reforms are elaborated and implemented in order to serve the whole population, without any kind of discrimination.

In this context, there is a need to promote justice and restore trust in the judiciary. Better access to justice, genuine remedies and effective enforcement of judgments must be ensured. Public service must be transparent, and a system of review and accountability must be in place, so that the authorities are held responsible for the decisions they take on behalf of their citizens. In this respect, civil society and grassroots movements have a key role to play to ensure that Governments follow the road map of universally recognized human rights.

Governments must combat corruption in all its manifestations. Corruption engenders grave human rights abuses, including restrictions to freedom of opinion and expression, structural violence, discrimination, smuggling and trafficking. It undermines the rule of law and the credibility of government and governmental institutions.

Certain conditions appear necessary to ensure democratic governance at both the national and international levels. As mentioned earlier, there must be a correlation between the needs and the wishes of the population and the governmental policies that affect them, including domestic and foreign policy; indeed sometimes governments take illegal decisions concerning the use of force, which would certainly be rejected by very large majorities of the

population if they were ever consulted by referendum. In other words the foreign actions of States are only legitimate if they represent the actual wishes of the people. Thus the meaningful participation of independent civil society organizations in the shaping of foreign policy and in international decision-making bodies must be enhanced, and the tool of opinion polling should be used more effectively so as to learn what people are really thinking and not what pundits pretend that the people want. And when government officials fail to honour the trust conferred upon them by their electorates, they should be removed from office. In this respect the instruments of recall and impeachment may have to be used with greater frequency

If we regard the UN Charter and the Universal Declaration of Human Rights as the World Constitution, we realize that peace lies at the very heart of our legal framework. Peace and human rights constitute the *raison d'être* of the United Nations Organization and the most noble goal of humanity. Peace in the holistic sense encompasses not only the absence of war but also the absence of structural violence, cultural hegemonism, neo-colonialism, exploitation, and discrimination. In this respect, I deeply believe that education is necessary to unlearn privilege, unlearn exclusion, unlearn discrimination, unlearn prejudice, and unlearn war.

Similarly, it is also crucial to tackle the issue of the depletion of natural resources, which is likely to fuel further human rights abuses. The ability for people to live in a safe, clean and sustainable environment is at stake for our generation and for future generations. In this respect, there is a need to ensure that the will of the peoples is not supplanted by economic and geopolitical interests. Globalization has raised many hopes in terms of communication and trade as much as in terms of diversity exchange between humans, but has also favoured the interests of some governments and transnational corporations at the expense of human rights.

The world is in the grip of a serious financial crisis that has caused unemployment and depression in many countries. "Austerity" measures in the social domain are certainly not the solution. Last week alone, tens of thousands of demonstrators continued to gather in several European cities to protest against the manifestly unjust "austerity" measures. The very concept of "austerity" is intellectually dishonest, because it is ultimately a matter of prioritizing. No one disputes the reality of the budget deficits, but there can be "austerity"

with regard to other governmental expenditures. Indeed, there seems to be plenty of money to bail out rogue banks and casino financial markets, plenty of money for the military-industrial complex, plenty of money to wage war, but allegedly not enough to ensure pensions, health care and education. Austerity has become a word for human rights retrogression, a deliberate attempt by the super-rich to further exploit the less fortunate. States must be reminded of their binding obligations under international law, including the International Covenant on Economic, Social and Cultural Rights.

Too many Governments today are drastically cutting essential social spending without having the decency to allow those affected to challenge such measures, which are being imposed, often by unelected leaders, disregarding alternative solutions to the financial crisis. The “indignados” movement has articulated perfectly viable alternatives to cutting social spending – albeit to no avail.

While some progress has been made towards achieving the Millennium Development Goals we are a long way from ensuring an equitable international order. We welcome the fact that more children than ever have access to primary school; child deaths have dropped; access to safe drinking water has expanded. Of course much remains to be done if we are to comply with Article 28 of the Universal Declaration of Human Rights and with the 1993 Vienna Declaration and Programme of Action and its call for international solidarity.

I repeat: The right of all people to participate in the conduct of public affairs is the essence of democratic governance. In this context, States bear the responsibility to ensure the participation of people and civil society in the conduct of public international affairs. This is particularly relevant as the rights to freedom of opinion and expression, of peaceful assembly, and of association have seen their space progressively reduced in recent years. A caveat is also necessary at this point. Participation also means protection from impediments such as manipulation, indoctrination, and incitement. Protection is also needed from the dictatorship of “political correctness”, which leads to self-censorship and thus undermines democracy. Prior to freedom of expression we recognize freedom of opinion, which requires access to truthful, reliable information, access to a plurality of views, so that one can develop one’s own opinion. What is at stake is not the right to echo whatever slanted information we heard last night in the news. That is not freedom of expression that is only freedom to echo, freedom

to go along with the Zeitgeist. What is at stake is the right to information, to think and reflect and to act on one's convictions. These are indispensable conditions for any democracy.

Madame Chairperson,

I strongly believe it is our role as citizens to build effective and responsive States that are accountable and compliant with their human rights obligations at all levels.

In this context, I would like to reiterate the call that I made when presenting my first thematic report to the Human Rights Council on 12 September last. A democratic governance at both the international and national levels means the uniform application of international law, including human rights law, as the basis for State's conduct, and the acknowledgment that the UN Charter is our World Constitution, that States are bound by the Charter and by the Universal Declaration of Human Rights and are committed to orient their policies and practices according to its purposes and principles.

I thank you for your attention.
